

EVIDENCE

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EVIDENCE TO BE PROCESSED FOR _____

SUPERVISOR'S APPROVAL _____

DATE 12/8/15 DIST OF OCCURRENCE 4 COMPLAINT NUMBER 15-06

LOCATION OF OCCURRENCE 919 N. JEFFERSON

LOCATION EVIDENCE RECOVERED FIU OFFICE

DATE AND TIME EVIDENCE RECOVERED 1/11/16

VICTIM STATE OF MISSOURI

ADDRESS _____

SUSPECT GILBERT, NICHOLAS

ADDRESS HOMELESS

OFFENSE Ass. VEO / RESISTING A.R.# _____

WARRANT INFORMATION

☐ issued ☐ refused ☐ pending ☐ under advisement

☐ not applied for ☐ juvenile ☐ not applicable

CONTENTS TRANSCRIPTS OF OFFICERS/CL
INTERVIEWS

OWNER SUMPD

ADDRESS _____

PHONE NUMBER _____

EMAIL ADDRESS _____

INVESTIGATING OFFICER BURLE

3390 ASS

SEIZING OFFICER BURLE

3390 ASS

PO 111 1215 541 68 210 1 1-11

PLAINTIFF'S
EXHIBIT

2

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**ST. LOUIS METROPOLITAN POLICE DEPARTMENT
FORCE INVESTIGATION UNIT**

**IN RE:
COMPLAINT NUMBER: 15-062114**

**AUDIO TRANSCRIPTION OF
RECORDED INTERVIEW OF
ROLAND DEGREGORIO**

DECEMBER 8, 2015

NATIONWIDE SCHEDULING

OFFICES

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1 ST. LOUIS METROPOLITAN POLICE DEPARTMENT
2 FORCE INVESTIGATION UNIT

3 IN RE:
4 COMPLAINT NUMBER: 15-062114
5

6 RECORDED INTERVIEW OF

7
8 ROLAND DEGREGORIO
9

10 DECEMBER 8, 2015
11

12 11:24 P.M.
13

14 Due to the quality of the recorded media, portions were
15 unable to be transcribed. The transcript may also
16 include misinterpreted words. The transcriber was not
17 present at the time of the recording; therefore, this
18 transcript should not be considered verbatim.
19

20 AUDIO RECORDING WAS TRANSCRIBED BY:

21 Sherri L. Jolley
22 Midwest Litigation Services
23 711 North Eleventh Street
24 St. Louis, Missouri 63101
25 (314) 644-2191

1 T R A N S C R I P T I O N

2 SERGEANT ENGELHARDT: My name is
3 Lieutenant Roger Engelhardt, DSN 3786. We are on the
4 seventh floor of police headquarters in the Force
5 Investigation Unit office. It's 11:24 p.m. on December
6 8th. At this time I'd like everybody in the room to
7 identify themselves.

8 SERGEANT BRUNTRAGER: My name is Neil
9 Bruntrager. I'm counsel for Officer Degregorio.

10 OFFICER DEGREGORIO: I'm PO Roland
11 Degregorio, DSN 11186.

12 LIEUTENANT ENGELHARDT: Okay. And
13 what I'd like you to talk about is an incident which
14 occurred earlier this evening in the Central Patrol
15 hold-over that involved a person by the name of Nicholas
16 Gilbert. Are you familiar with this incident?

17 OFFICER DEGREGORIO: Yes, I am.

18 LIEUTENANT ENGELHARDT: Okay. If you
19 could please tell me what you remember about that
20 incident, starting at the beginning. I will try not to
21 interrupt you until you're done. And then I'll probably
22 have some questions for you. And we'll go like that. At
23 any point you need to clarify any issue, feel free to do
24 so and stop and clarify that issue. Okay. So with that
25 in mind, start at the beginning.

1 OFFICER DEGREGORIO: When the incident
2 started, I was in the hold-over, currently booking -- I
3 was the assisting on a traffic stop where we had arrested
4 a young female. We brought her into the Central Patrol
5 hold-over. And we were finishing her booking process
6 with my partner, who was in there, and a -- Paul Wactor.
7 And somebody I could not identify shouted, "That guy is
8 trying to hang himself." And I looked up through the
9 window to Cell 4, and I saw Nicholas Gilbert had a
10 sweatshirt tied around his neck and it was connected up
11 to the bars.

12 I turned immediately to exit the
13 hold-over to get a supervisor. As I exited the
14 hold-over, Sergeant Bergmann was already walking in. I
15 informed him of the situation as we walked in. PO Joseph
16 Stuckey was already walking towards the individual cells.
17 I followed him in there. As we were walking past Cell
18 2 up to Cell 4, the -- Nicholas pushed open Cell 4's door.
19 And PO Stuckey ordered him to step back into the cell.

20 As I followed up, the -- Nicholas took
21 a defensive posture and kind of boasted his chest as if
22 he was going to make an attacking motion at PO Stuckey.
23 At that point, PO Stuckey ordered him to turn around and
24 grabbed his left arm as Nicholas brought it up and turned
25 him around. And that's when I assisted and grabbed

1 Nicholas' left arm as PO Stuckey put his handcuff on the
2 left wrist.

3 At that point, Nicholas began agitated
4 and resisted us, began pushing back, and attempted to
5 fight. That's when he attempted to turn around and kick
6 Sergeant Bergmann, who then entered the cell.

7 As he kicked, we brought him down into
8 a -- you could say a praying -- he was positioned -- he
9 was on his knees, and his upper chest was on the bench
10 in the hold-over. He continued to struggle and fight
11 until we were able to manage to put a second cuff on his
12 right wrist, at which point I remained in control of his
13 left biceps and kept my right hand on his back to remain
14 control of him as he still continued to fight and wriggle.

15 At that point, he began, I guess you
16 could say, heel kicking and struck PO Stuckey in the
17 general area, causing him to fall backwards in pain, at
18 which point Officer Wactor entered in the hold-over with
19 leg shackles. We were able to wrangle his legs down and
20 get him into shackles as we continued -- as he was
21 fighting, he attempted to lift his body up continually
22 with his head off the concrete, and kept turning his head
23 and striking it, which caused a laceration, I believe,
24 above his right eye, which caused him to bleed.

25 More -- once more officers were alerted

1 to the situation, they entered the hold-over and helped
2 us control him. As we were controlling him, he took his
3 left hand while he was handcuffed and grabbed my inner
4 pant -- my right inner pant leg. I had tried to wriggle
5 my right leg free, but he kept pulling me in closer. I
6 used a stunning blow to his left forearm to release his
7 grip on my pants, which was successful. And I distanced
8 myself and still kept control.

9 At that point, more officers came in and
10 my position on -- of control was relieved by PO Kyle Mack,
11 at which point I left the cell to regain -- I was
12 exhausted, and regained my breath, and I left the
13 hold-over as the other officers controlled him.

14 I did not reenter the hold-over for some
15 time, and when I entered back in, PO Kyle Mack and PO Paul
16 Wactor were doing chest compressions on Nicholas, and
17 they were attempting to get the automated defibrillator
18 working on him to bring him back to consciousness. And
19 at that point, that's when I left the hold-over, and that
20 was the last I saw, as the Abbott EMTs entered the
21 hold-over.

22 LIEUTENANT ENGELHARDT: Okay. Is that
23 it?

24 OFFICER DEGREGORIO: Yes.

25 LIEUTENANT ENGELHARDT: Okay. What

1 first drew your attention to Mr. Gilbert?

2 OFFICER DEGREGORIO: Somebody -- I
3 don't know who it was, but somebody shouted, "He's trying
4 to hang himself," which --

5 LIEUTENANT ENGELHARDT: All right.
6 Did you --

7 OFFICER DEGREGORIO: -- caused me to
8 look up.

9 LIEUTENANT ENGELHARDT: Did you observe
10 any -- what Mr. Gilbert -- what they were talking about?

11 OFFICER DEGREGORIO: Yes.

12 LIEUTENANT ENGELHARDT: And what did
13 you -- what was that?

14 OFFICER DEGREGORIO: He had his
15 sweatshirt tied around his neck, which was connected to
16 the hold-over cell above his head that was also tied
17 around.

18 LIEUTENANT ENGELHARDT: Okay. And so
19 were you part of the initial group of officers that went
20 back there to confront him?

21 OFFICER DEGREGORIO: Yes, I was.

22 LIEUTENANT ENGELHARDT: All right.
23 And you said he took a -- well, how did you describe the
24 stance he took?

25 OFFICER DEGREGORIO: Defensive

1 posture.

2 LIEUTENANT ENGELHARDT: Defensive

3 posture. What do you mean by that?

4 OFFICER DEGREGORIO: He took a step
5 back, clenched his fist, and puffed up his chest --

6 LIEUTENANT ENGELHARDT: Okay.

7 OFFICER DEGREGORIO: -- as if he was
8 going to fight.

9 LIEUTENANT ENGELHARDT: Okay. So
10 defensive posture. You said defensive, but he was
11 positioning himself as if to attack an officer?

12 OFFICER DEGREGORIO: Yeah.

13 LIEUTENANT ENGELHARDT: Okay.

14 OFFICER DEGREGORIO: Yeah.

15 LIEUTENANT ENGELHARDT: All right.

16 All right. But you used the term defensive.

17 OFFICER DEGREGORIO: That's what --

18 yeah. That's what I have been taught, that --

19 LIEUTENANT ENGELHARDT: Okay.

20 OFFICER DEGREGORIO: -- that's what the
21 posture was.

22 LIEUTENANT ENGELHARDT: All right.

23 But did it look like he was preparing to defend himself
24 from the officers, or what were you -- what --

25 OFFICER DEGREGORIO: No. He had a look

1 of aggression, and he was looking like he was -- he took
2 a step back and was preparing himself --

3 LIEUTENANT ENGELHARDT: All right.

4 OFFICER DEGREGORIO: -- kind of like --
5 that's what --

6 LIEUTENANT ENGELHARDT: All right. So
7 it appeared like he was going to attack an officer?

8 OFFICER DEGREGORIO: Uh-huh.

9 LIEUTENANT ENGELHARDT: All right.

10 And so when you used the term defensive, that's a generic
11 term?

12 OFFICER DEGREGORIO: Yeah.

13 LIEUTENANT ENGELHARDT: Okay. Okay.

14 It doesn't actually mean --

15 OFFICER DEGREGORIO: More of a fighting
16 stance, I guess you could say.

17 LIEUTENANT ENGELHARDT: More of a
18 fighting stance.

19 OFFICER DEGREGORIO: Uh-huh.

20 LIEUTENANT ENGELHARDT: Okay. So when
21 you used the term defensive, you're using it generically
22 in that -- in a fighting -- using a fighting stance, right?

23 OFFICER DEGREGORIO: Yeah.

24 LIEUTENANT ENGELHARDT: Not as if he was
25 trying to defend himself from being attacked?

1 OFFICER DEGREGORIO: No.

2 LIEUTENANT ENGELHARDT: Okay. All
3 right. And so you go back there and he's in this
4 aggressive posture. And then what happens?

5 OFFICER DEGREGORIO: PO Stuckey ordered
6 him to turn around, to which he refused and brought his
7 hand up. Fearing that he was going to strike, Officer
8 Stuckey grabbed the arm and immediately placed a handcuff
9 on his left wrist. And we turned him around towards the
10 back of the cell.

11 LIEUTENANT ENGELHARDT: Okay. And
12 then what happened?

13 OFFICER DEGREGORIO: He then began to
14 ridge -- I guess you would say strengthen up, tighten his
15 muscles, and tried to kick backwards towards the
16 officers, which made us then push him to the ground so
17 he wouldn't be able to use his feet to kick, and brought
18 him to his knees. And then his chest was on the bench.

19 LIEUTENANT ENGELHARDT: Okay. And
20 then what happened?

21 OFFICER DEGREGORIO: We remained -- we
22 continued to fight with him, and we brought his right arm
23 out from underneath his body and were able to get the
24 second cuff on.

25 LIEUTENANT ENGELHARDT: Okay. And

1 when you mean fight with him, you -- were you striking
2 him?

3 OFFICER DEGREGORIO: No.

4 LIEUTENANT ENGELHARDT: And so when you
5 say you were fighting with him, what do you mean by that,
6 exactly?

7 OFFICER DEGREGORIO: He was resisting
8 our orders, and he was keeping his right arm underneath
9 his body, preventing us to handcuff him.

10 LIEUTENANT ENGELHARDT: Okay. And by
11 "fighting with him," what were you trying -- attempting
12 to do?

13 OFFICER DEGREGORIO: We were attempting
14 to place him in handcuffs.

15 LIEUTENANT ENGELHARDT: All right.
16 And by -- and what means did you use to place him in
17 handcuffs?

18 OFFICER DEGREGORIO: I don't -- what do
19 you mean by "means"? I'm sorry.

20 LIEUTENANT ENGELHARDT: Well, did you
21 punch him?

22 OFFICER DEGREGORIO: No. The only time
23 I did strike him was when he grabbed my pants, and it was
24 just a stunning blow to his arm --

25 LIEUTENANT ENGELHARDT: Okay.

1 OFFICER DEGREGORIO: -- to release the
2 grip.

3 LIEUTENANT ENGELHARDT: We'll get to
4 that later.

5 OFFICER DEGREGORIO: Okay.

6 LIEUTENANT ENGELHARDT: But when you
7 were -- you were trying to get his hands behind his back,
8 how --

9 OFFICER DEGREGORIO: We grabbed his arm
10 and pulled it back out from behind his -- on -- in front
11 of his body.

12 LIEUTENANT ENGELHARDT: All right. So
13 when you're saying you were fighting with him, you were
14 trying to force his hands behind his back?

15 OFFICER DEGREGORIO: Uh-huh.

16 LIEUTENANT ENGELHARDT: All right.
17 And you were using your hands, grabbing him and doing so?

18 OFFICER DEGREGORIO: Uh-huh.

19 LIEUTENANT ENGELHARDT: Right? But
20 you weren't striking him, right?

21 OFFICER DEGREGORIO: No.

22 LIEUTENANT ENGELHARDT: And at -- and at
23 some point were you able to get his hands behind his back?

24 OFFICER DEGREGORIO: Yes, we were.

25 LIEUTENANT ENGELHARDT: What happened

1 then?

2 OFFICER DEGREGORIO: We handcuffed him,
3 and we were able to successfully handcuff his hands behind
4 his back.

5 LIEUTENANT ENGELHARDT: Okay. And
6 then what happened?

7 OFFICER DEGREGORIO: He used his chest
8 to try and push us back while kicking his rear heel --
9 his left and right heels back at the officers.

10 LIEUTENANT ENGELHARDT: If you can, as
11 you can best describe, how did he push you back using his
12 chest?

13 OFFICER DEGREGORIO: Like pushing back
14 off; like using his abdominal muscle to try and straighten
15 his body up.

16 LIEUTENANT ENGELHARDT: All right.
17 And where was he -- how was his body positioned in the
18 cell at that time?

19 OFFICER DEGREGORIO: His knees were on
20 the ground and his -- he was semi-bent forward towards
21 the bench of the hold-over --

22 LIEUTENANT ENGELHARDT: Okay. So he's

23 --

24 OFFICER DEGREGORIO: -- of the cell.

25 LIEUTENANT ENGELHARDT: -- he's bent

1 forward and he's -- he's, I guess, leaning back against
2 you?

3 OFFICER DEGREGORIO: Trying to push us
4 backwards. Yes.

5 LIEUTENANT ENGELHARDT: Trying to push
6 you backwards. And at the same time he's kicking?

7 OFFICER DEGREGORIO: Uh-huh.

8 LIEUTENANT ENGELHARDT: And he's doing
9 this while he's standing or while he's kneeling?

10 OFFICER DEGREGORIO: While he's
11 kneeling.

12 LIEUTENANT ENGELHARDT: Okay. And
13 then what happened?

14 OFFICER DEGREGORIO: He then struck
15 Officer Stuckey in the groin with a kick --

16 LIEUTENANT ENGELHARDT: Okay.

17 OFFICER DEGREGORIO: -- that
18 semi-debilitated him, causing him to fall backwards.

19 LIEUTENANT ENGELHARDT: Okay. And
20 then what happened?

21 OFFICER DEGREGORIO: That's -- PO
22 Wactor arrived into the cell with leg shackles.

23 LIEUTENANT ENGELHARDT: Okay. And
24 besides yourself, PO Stuckey, and now PO Wactor, who else
25 was back there?

1 OFFICER DEGREGORIO: Officer Cognasso
2 entered the hold-over behind Paul -- or Officer Wactor.
3 And they managed to subdue his legs and --

4 LIEUTENANT ENGELHARDT: Okay.

5 OFFICER DEGREGORIO: -- put him in leg
6 shackles.

7 LIEUTENANT ENGELHARDT: Okay. And
8 were you there the whole time?

9 OFFICER DEGREGORIO: Up until the rest
10 of the officers came.

11 LIEUTENANT ENGELHARDT: All right.

12 OFFICER DEGREGORIO: And then I was
13 relieved from that position.

14 LIEUTENANT ENGELHARDT: How soon after
15 his -- he was in leg shackles did you leave?

16 OFFICER DEGREGORIO: I don't know. I
17 wouldn't be able -- my guess would be maybe a minute or
18 two.

19 LIEUTENANT ENGELHARDT: All right.
20 And what was happening then after he got his -- his --
21 after he was handcuffed and his legs were shackled?

22 OFFICER DEGREGORIO: He still tried to
23 righten his posture. He kept doing that. And then he
24 was wiggling his -- he was just trying to break free of
25 our grip, essentially.

1 LIEUTENANT ENGELHARDT: Okay. Okay.

2 And I believe you said that you became physically tired?

3 OFFICER DEGREGORIO: Yes.

4 LIEUTENANT ENGELHARDT: Okay.

5 OFFICER DEGREGORIO: From the

6 altercation.

7 LIEUTENANT ENGELHARDT: All right.

8 And that -- and it was necessary for you to leave the

9 hold-over to recover from --

10 OFFICER DEGREGORIO: Yes.

11 LIEUTENANT ENGELHARDT: -- from that,

12 right? So what -- at what point did you leave the

13 hold-over?

14 OFFICER DEGREGORIO: After I was

15 relieved by Officer Mack.

16 LIEUTENANT ENGELHARDT: Officer Mack?

17 OFFICER DEGREGORIO: Yeah.

18 LIEUTENANT ENGELHARDT: How long was

19 that after he was shackled?

20 OFFICER DEGREGORIO: Approximately one

21 to two minutes.

22 LIEUTENANT ENGELHARDT: All right.

23 But you don't really recall?

24 OFFICER DEGREGORIO: No.

25 LIEUTENANT ENGELHARDT: All right.

1 You didn't -- you weren't looking at a watch?

2 OFFICER DEGREGORIO: That was -- no. I
3 had no sense of time during that altercation.

4 LIEUTENANT ENGELHARDT: Okay. All
5 right. And then at some point you come back in the
6 hold-over?

7 OFFICER DEGREGORIO: Uh-huh.

8 LIEUTENANT ENGELHARDT: And what do you
9 observe then?

10 OFFICER DEGREGORIO: Officer Mack was
11 conducting chest compressions while Officer Wactor was
12 giving the breaths for the CPR.

13 LIEUTENANT ENGELHARDT: Okay. Did --
14 do you have any idea why they were doing that?

15 OFFICER DEGREGORIO: He became
16 unconscious and he was not breathing is what they said.

17 LIEUTENANT ENGELHARDT: That's what
18 they said?

19 OFFICER DEGREGORIO: That's what I
20 heard. Yes.

21 LIEUTENANT ENGELHARDT: You didn't
22 observe any of that, right?

23 OFFICER DEGREGORIO: No.

24 LIEUTENANT ENGELHARDT: Okay. And
25 then what did you do while they were doing that?

1 OFFICER DEGREGORIO: I just observed.
 2 LIEUTENANT ENGELHARDT: Okay.
 3 OFFICER DEGREGORIO: And I -- yeah, I
 4 just observed.
 5 LIEUTENANT ENGELHARDT: And how long
 6 did they continue to perform CPR on him?
 7 OFFICER DEGREGORIO: I don't -- I don't
 8 know the approximate time, but --
 9 LIEUTENANT ENGELHARDT: All right.
 10 Was there a certain event that occurred where they
 11 stopped?
 12 OFFICER DEGREGORIO: Yes, the arrival
 13 of the medical technicians --
 14 LIEUTENANT ENGELHARDT: Okay.
 15 OFFICER DEGREGORIO: -- the fire
 16 department.
 17 LIEUTENANT ENGELHARDT: Okay. And so
 18 while you, Officer Stuckey, and Officer Wactor, and
 19 Officer --
 20 SERGEANT BRUNTRAGER: He's Degregorio.
 21 LIEUTENANT ENGELHARDT: You're
 22 Degregorio. I'm sorry. Who am I missing?
 23 OFFICER DEGREGORIO: I believe --
 24 SERGEANT BRUNTRAGER: (indiscernible).
 25 LIEUTENANT ENGELHARDT: Stuckey.

1 OFFICER DEGREGORIO: Exactly.

2 LIEUTENANT ENGELHARDT: Right?

3 OFFICER DEGREGORIO: Yes.

4 LIEUTENANT ENGELHARDT: While -- you
5 guys were all struggling with him, trying to get him
6 handcuffed, right?

7 OFFICER DEGREGORIO: Uh-huh.

8 LIEUTENANT ENGELHARDT: And during that
9 struggle you had mentioned that --

10 SERGEANT BRUNTRAGER: You need to make
11 -- if you mean yes, you need to answer out loud, because
12 it's a tape.

13 OFFICER DEGREGORIO: Oh, yes.

14 LIEUTENANT ENGELHARDT: Okay.

15 OFFICER DEGREGORIO: Sorry.

16 LIEUTENANT ENGELHARDT: And during that
17 struggle, you had mentioned earlier that you had -- that
18 you had struck Mr. Gilbert?

19 OFFICER DEGREGORIO: Yes.

20 LIEUTENANT ENGELHARDT: Okay. And how
21 did that happen?

22 OFFICER DEGREGORIO: While he was
23 handcuffed and -- the close proximity of our bodies, he
24 was able to grab the inside of my right pant leg and pull
25 me in, causing me to lose my balance.

1 LIEUTENANT ENGELHARDT: Okay. And so
2 what did you do to -- in order to stop that from happening?

3 OFFICER DEGREGORIO: My first attempt
4 was to -- attempt to pull my leg away, just to break the
5 grip from my pants and his hand. And I was unable to do
6 that.

7 LIEUTENANT ENGELHARDT: So then what
8 did you do?

9 OFFICER DEGREGORIO: I then used an open
10 fist, and I struck the forearm just above the wrist on
11 his left arm, which causes a stunning blow, which then
12 released his grip from my pants.

13 LIEUTENANT ENGELHARDT: Okay. And you
14 said open fist?

15 OFFICER DEGREGORIO: Yes.

16 LIEUTENANT ENGELHARDT: Can you
17 describe what an open fist is?

18 OFFICER DEGREGORIO: I used the heel of
19 my palm --

20 LIEUTENANT ENGELHARDT: Okay.

21 OFFICER DEGREGORIO: -- against his --
22 inside -- the in -- the -- I don't know the medical term,
23 but the inside of his wrist --

24 LIEUTENANT ENGELHARDT: All right.

25 OFFICER DEGREGORIO: -- not the

1 outside.

2 LIEUTENANT ENGELHARDT: And after you
3 did that, was it effective?

4 OFFICER DEGREGORIO: Yes, it was.

5 LIEUTENANT ENGELHARDT: He let go?

6 OFFICER DEGREGORIO: Yes.

7 LIEUTENANT ENGELHARDT: So did you
8 continue to strike him?

9 OFFICER DEGREGORIO: I did not.

10 LIEUTENANT ENGELHARDT: Okay. All
11 right. Other than that one strike that we just talked
12 about, did you strike him any other times?

13 OFFICER DEGREGORIO: I did not.

14 LIEUTENANT ENGELHARDT: All right.

15 Did you observe anybody else strike Mr. Gilbert?

16 OFFICER DEGREGORIO: I did not.

17 LIEUTENANT ENGELHARDT: All right.

18 Did you at any point choke or place Mr. Gilbert in a choke
19 hold or in any way obstruct his airway?

20 OFFICER DEGREGORIO: I did not.

21 LIEUTENANT ENGELHARDT: Did you observe
22 anybody -- any other officers or other members of the
23 police department strike, choke, or in any way obstruct
24 Mr. Gilbert's airway?

25 OFFICER DEGREGORIO: I did not.

1 LIEUTENANT ENGELHARDT: Okay. That's
2 pretty much it. Do you have anything?

3 SERGEANT BRUNTRAGER: (No verbal
4 response).

5 LIEUTENANT ENGELHARDT: Is there
6 anything that you want to clarify?

7 OFFICER DEGREGORIO: There is not.

8 LIEUTENANT ENGELHARDT: Okay. 11:40.
9 (WHEREIN, the interview was concluded.)

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1 CERTIFICATE OF NOTARY PUBLIC

2 STATE OF MISSOURI

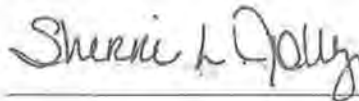
3 I, Sherri L. Jolley, within and for
4 the State of Missouri, do hereby certify that the tape
5 transcription in the witness whose testimony appears in
6 the foregoing transcript in the caption hereof and
7 thereafter transcribed by me; that said transcript is a
8 record of the testimony given by said witness; that I am
9 neither counsel for, related to, nor employed by any
10 parties to the action; and further that I am not a relative
11 or employee of any counsel or attorney employee of any
12 counsel or attorney employed by the parties hereto, nor
13 financially or otherwise interested in the outcome of the
14 action.

15

16

17

18



19

Sherri L. Jolley

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23

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ORIGINAL

**ST. LOUIS METROPOLITAN POLICE DEPARTMENT
FORCE INVESTIGATION UNIT**

**IN RE:
COMPLAINT NUMBER: 15-062114**

**AUDIO TRANSCRIPTION OF
RECORDED INTERVIEW OF
PAUL WACTOR**

DECEMBER 8, 2015

NATIONWIDE SCHEDULING

OFFICES

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1 T R A N S C R I P T I O N

2 SERGEANT ENGELHARDT: I am Lieutenant
3 Roger Engelhardt, DSN 3786. I am with the Force
4 Investigation Unit. We are on the seventh floor of
5 police headquarters. It is December 8th. It's about
6 p.m. At this time I'd like everybody else in the
7 room to identify themselves.

11:00

8 MR. BRUNTRAGER: My name is Neil
9 Bruntrager, and I'm here with Officer Wactor.

10 OFFICER WACTOR: My name is Paul Wactor.
11 I'm a police officer, DSN 8767, assigned to the Third
12 District.

13 LIEUTENANT ENGELHARDT: Okay. Officer
14 Wactor, I would like to talk to you about an incident which
15 occurred earlier tonight in the Central Patrol hold-over.
16 It involved a person by the name of Nicholas Gilbert. Are
17 you familiar with that event?

18 OFFICER WACTOR: Yes, sir.

19 LIEUTENANT ENGELHARDT: Okay. I would
20 like you to tell me what you remember about that event.
21 And it's always best to start at the beginning, wherever
22 you consider the beginning to be. Relate to me what you
23 remember about that event. And, probably, when you're
24 done, I'll have some questions for you. And then your
25 attorney will have some questions for you.

1 And at any point if there's something
2 that you want to clarify, feel free to do that, because
3 that's -- the most important thing is what you have to
4 say, not what we have to say. So with that in mind, tell
5 me what you remember about this event.

6 OFFICER WACTOR: Yes, sir. On today's
7 date, Officer Roland Degregorio and I had brought in a
8 -- assisted with transporting a prisoner from a car stop
9 at Jefferson and Shenandoah. We assisted in conveying
10 this prisoner to the hold-over. While in the hold-over,
11 I observed a white male who seemed to be acting bizarre
12 -- in a bizarre manner in his cell. I continued with
13 assisting with booking of this individual -- the
14 individual we brought in for a 324.

15 While doing that, I observed the -- the
16 male appeared to be tying his sweatpants around his neck.
17 I then went to exit the hold-over to find a supervisor,
18 inform them of what's going on. At that time, Sergeant
19 Bergmann was coming in at the same time. I informed him
20 of what was going on. And when I looked over again, I
21 observed that the subject had now tied the sweatpants,
22 which were tied to his -- around his throat, to the cell
23 door bars.

24 I then ran -- went -- responded to the
25 Central Patrol desk officer to get a pair of leg shackles

1 and responded back to the cell. When I responded back
2 there, I observed Officer Stuckey, Officer Degregorio,
3 and Sergeant Bergmann struggling with the subject. The
4 subject appeared to be putting up a pretty significant
5 fight with those three individuals.

6 I then assisted in placing leg shackles
7 on the subject. From there, the subject continued to --
8 seemed to continue to struggle with us, until -- for a
9 short period, until he stopped. We then moved him to the
10 ground and placed him on his side. And at that time,
11 continued watch of the subject while he was on his side,
12 on the ground.

13 I then observed at some point that he
14 seemed to be -- seemed to be not breathing as well. After
15 checking for a pulse and I was unable to find a pulse,
16 Officer Mack attempted to find a pulse. We could not find
17 one. We un-handcuffed him, laid him on his back, and
18 asked for an AED and began CPR on him.

19 After continuing -- doing numerous
20 rounds of CPR, following the instructions of the AED, a
21 fire alarm was finally on scene. I then allowed them to
22 get in and start their work on the subject, and I stepped
23 outside the cell.

24 LIEUTENANT ENGELHARDT: Is that it?

25 OFFICER WACTOR: Yes, sir.

1 LIEUTENANT ENGELHARDT: Okay. You
2 said you with -- there -- you were back there with a
3 prisoner?

4 OFFICER WACTOR: Yes, sir.

5 LIEUTENANT ENGELHARDT: What's your
6 prisoner's name?

7 OFFICER WACTOR: I believe it was Asimy
8 (ph) Jackson.

9 LIEUTENANT ENGELHARDT: Okay. And who
10 else was with you?

11 OFFICER WACTOR: Roland B. Degregorio.

12 LIEUTENANT ENGELHARDT: Okay. And is
13 he -- was he your partner for the day?

14 OFFICER WACTOR: Yes, sir. He is my
15 partner for the day.

16 LIEUTENANT ENGELHARDT: All right.
17 And so you're bringing this other prisoner back?

18 OFFICER WACTOR: Yes, sir.

19 LIEUTENANT ENGELHARDT: And your
20 attention is drawn to one of the other cells in the room?

21 OFFICER WACTOR: Yes, sir.

22 LIEUTENANT ENGELHARDT: And what drew
23 your attention to that person in that cell -- or that cell?

24 OFFICER WACTOR: My attention was drawn
25 by the behavior of the individual, who seemed to be moving

1 his arms around. And the best way I could describe is
2 like some martial arts --

3 LIEUTENANT ENGELHARDT: And you thought
4 that was unusual?

5 OFFICER WACTOR: Yes, sir.

6 LIEUTENANT ENGELHARDT: Okay. And how
7 long have you been a police officer?

8 OFFICER WACTOR: About seven and a half
9 years, sir.

10 LIEUTENANT ENGELHARDT: Okay. And so
11 when you saw his actions you thought they were unusual.
12 How did you interpret those actions? What did you think?

13 OFFICER WACTOR: I interpreted those
14 actions as the individual was possibly OBS, or could
15 possibly be under the influence.

16 LIEUTENANT ENGELHARDT: Okay. By OBS
17 -- what do you mean by OBS?

18 OFFICER WACTOR: Organic brain
19 syndrome, that the subject could be suffering from some
20 type of mental health ailment.

21 LIEUTENANT ENGELHARDT: Okay. So
22 that's what drew your attention to him? You said -- you
23 -- you looked at his behavior and you recognized him as
24 somebody who was either under the influence of some sort
25 of drug or mentally ill --

1 OFFICER WACTOR: Yes, sir.

2 LIEUTENANT ENGELHARDT: -- or both?

3 OFFICER WACTOR: Yes, sir.

4 LIEUTENANT ENGELHARDT: Okay. And so
5 did that hold your attention for a while?

6 OFFICER WACTOR: I believe for a short
7 period, sir.

8 LIEUTENANT ENGELHARDT: Okay. And
9 what else did he do that you considered unusual?

10 OFFICER WACTOR: Well, tying his
11 sweatpants around his neck I found highly unusual.

12 LIEUTENANT ENGELHARDT: Okay. And
13 what did you interpret that to be? What do you -- what
14 was his -- what did you interpret -- why was he doing that?
15 Why do you think?

16 OFFICER WACTOR: I interpreted that the
17 individual was taking to take his life.

18 LIEUTENANT ENGELHARDT: Okay. And
19 that's when you went to notify a supervisor?

20 OFFICER WACTOR: (No verbal response),

21 LIEUTENANT ENGELHARDT: Okay. And
22 then at some point -- what happens after that? You go
23 to notify the supervisor. What happens after that?

24 OFFICER WACTOR: I then responded to the
25 desk to get a pair of leg shackles.

1 LIEUTENANT ENGELHARDT: All right.

2 Was that at somebody's direction, or was that --

3 OFFICER WACTOR: I believe that was at
4 somebody's direction.

5 LIEUTENANT ENGELHARDT: Okay. Do you
6 remember who gave you that direction?

7 OFFICER WACTOR: No, sir. I don't
8 remember.

9 LIEUTENANT ENGELHARDT: Okay. So
10 somebody said get some leg shackles?

11 OFFICER WACTOR: Yes, sir.

12 LIEUTENANT ENGELHARDT: Or something to
13 that effect?

14 OFFICER WACTOR: Something.

15 LIEUTENANT ENGELHARDT: So you went to
16 the desk. And so, obviously, at the desk, you couldn't
17 observe what was happening, then --

18 OFFICER WACTOR: That's correct, sir.

19 LIEUTENANT ENGELHARDT: -- with him?
20 Okay. And you immediately returned with the leg
21 shackles, I assume?

22 OFFICER WACTOR: Yes, sir.

23 LIEUTENANT ENGELHARDT: Okay. And
24 then what happens?

25 OFFICER WACTOR: I then attempt -- place

1 the leg -- observed that they were struggling with the
2 subject. I then placed the leg shackles on his legs --
3 lower legs.

4 LIEUTENANT ENGELHARDT: Okay. And
5 when they were struggling with him, was he still in
6 control? What was he doing? How were they struggling
7 with him?

8 OFFICER WACTOR: He -- it appeared to be
9 he was moving around quite a bit, and they were unable
10 -- they were having trouble keeping him in place. It
11 looked like he was also, for lack of better terms, like
12 donkey kicking -- kicking back with his lower -- both his
13 legs.

14 LIEUTENANT ENGELHARDT: Okay. Was he
15 saying anything?

16 OFFICER WACTOR: I don't recall, sir.

17 LIEUTENANT ENGELHARDT: Was he making
18 any noises?

19 OFFICER WACTOR: He was yelling, I do
20 recall.

21 LIEUTENANT ENGELHARDT: Okay. And how
22 did you interpret those actions?

23 OFFICER WACTOR: I interpreted those
24 actions that he was -- he was fighting -- still fighting;
25 that he was aggressive.

1 LIEUTENANT ENGELHARDT: All right.
2 When he was doing these donkey kicks -- you called them
3 --

4 OFFICER WACTOR: Yes, sir.

5 LIEUTENANT ENGELHARDT: -- were those
6 directed at any officer in particular?

7 OFFICER WACTOR: From my vantage point,
8 it appeared that it was directed towards, I believe,
9 Officer Stuckey.

10 LIEUTENANT ENGELHARDT: Okay. So it
11 appeared that he was trying to assault a police officer?

12 OFFICER WACTOR: Yes, sir.

13 LIEUTENANT ENGELHARDT: Okay. And at
14 some point the leg shackles are placed on him?

15 OFFICER WACTOR: Yes, sir.

16 LIEUTENANT ENGELHARDT: Okay. And who
17 does that?

18 OFFICER WACTOR: I did one leg shackle,
19 and I was -- I don't know. Someone else assisted me on
20 placing the other leg shackle.

21 LIEUTENANT ENGELHARDT: And how did
22 that affect Mr. Gilbert's conduct?

23 OFFICER WACTOR: It appeared it didn't
24 affect it at all. It appeared that he was still going
25 -- or still fighting the officers.

AUDIO TRANSCRIPTION OF PAUL WACTOR

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1 LIEUTENANT ENGELHARDT: Okay. And
2 when did that stop?

3 OFFICER WACTOR: I believe a short
4 period -- a short period later, after the leg shackles
5 were placed on and more -- I believe more officers
6 arrived.

7 LIEUTENANT ENGELHARDT: Okay. And so
8 at some point he stopped kicking?

9 OFFICER WACTOR: Yes, sir.

10 LIEUTENANT ENGELHARDT: Okay. And
11 then what happened?

12 OFFICER WACTOR: At that point, after he
13 ceased struggling, we moved him down to the ground and
14 placed -- of the cell, and placed him on his side.

15 LIEUTENANT ENGELHARDT: Okay. And is
16 that when you observed him having some kind of distress?

17 OFFICER WACTOR: It was at -- it was
18 shortly thereafter.

19 LIEUTENANT ENGELHARDT: So how long
20 after that -- he stopped kicking did you notice that he
21 was in some kind of medical distress?

22 OFFICER WACTOR: I don't know, sir. I
23 don't know exact timeframe.

24 LIEUTENANT ENGELHARDT: Okay. But at
25 some point he stopped kicking? Did he stop kicking

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1 because the officers, you know, were controlling him,
2 restraining him, or did he stop kicking because he just
3 stopped kicking?

4 OFFICER WACTOR: I believe he stopped
5 kicking after officers were restraining him.

6 LIEUTENANT ENGELHARDT: Okay. And at
7 some -- when he stopped kicking, what did the officers
8 do then?

9 OFFICER WACTOR: That, I don't know,
'10 sir. I didn't see that part. I was moving around.

11 LIEUTENANT ENGELHARDT: Okay. So you
12 didn't really see when he stopped kicking. Is that what
13 you're telling me?

14 OFFICER WACTOR: For the most part.
15 Yes, sir.

16 LIEUTENANT ENGELHARDT: You don't know
17 when he stopped kicking?

18 OFFICER WACTOR: I don't know for sure.

19 LIEUTENANT ENGELHARDT: Okay. So at
20 some point he -- he had stopped kicking, but you don't
21 know when. And what was the first thing that made you
22 believe that he was having some kind of medical emergency?

23 OFFICER WACTOR: When he was laying on
24 the ground and he didn't appear to be breathing hard, like
25 a normal person would after strenuous activity.

1 LIEUTENANT ENGELHARDT: Okay. So you
2 noticed that he wasn't breathing, at least not like --

3 OFFICER WACTOR: Breathing hard.

4 LIEUTENANT ENGELHARDT: Not like you
5 thought he would -- should be?

6 OFFICER WACTOR: Yes, sir.

7 LIEUTENANT ENGELHARDT: Right? Did
8 you notice that there was a change in his breathing from
9 when you -- you know, you observed him, and then you were
10 busy doing other things. He stops kicking at some point.
11 You don't know. And did his breathing change as you were
12 observing him?

13 OFFICER WACTOR: Yes, when he was lying
14 on his side.

15 LIEUTENANT ENGELHARDT: Okay. So he
16 wasn't breathing, I guess, normally at that point?

17 OFFICER WACTOR: Yes, sir.

18 LIEUTENANT ENGELHARDT: He was not
19 breathing --

20 OFFICER WACTOR: It appeared he wasn't
21 breathing how I think he would be breathing after just
22 struggling.

23 LIEUTENANT ENGELHARDT: Okay. But
24 when he was struggling did it appear that he was -- he
25 was breathing in a different way or different manner?

1 OFFICER WACTOR: It appeared he was
2 breathing normally, like somebody would, you know, that's
3 exerting themselves.

4 LIEUTENANT ENGELHARDT: Okay. All
5 right. So anyway, you determined that he's having some
6 kind of medical issue?

7 OFFICER WACTOR: Yes, sir.

8 LIEUTENANT ENGELHARDT: And then what
9 did you do?

10 OFFICER WACTOR: At that point we
11 un-cuffed him. We put him onto his back. And I asked
12 for an AED. And Officer Mack and I began CPR and placing
13 the AED pads on him.

14 LIEUTENANT ENGELHARDT: Can you tell me
15 what AED is, because I really don't know?

16 OFFICER WACTOR: Automated external
17 defibrillator.

18 LIEUTENANT ENGELHARDT: Okay. And
19 what's that device used for?

20 OFFICER WACTOR: That device is used for
21 people in cardiac distress.

22 LIEUTENANT ENGELHARDT: And how did you
23 determine he was in cardiac distress?

24 OFFICER WACTOR: I wasn't 100-percent
25 that he was in cardiac -- or 100-percent sure he was in

1 cardiac distress. I placed that -- placed it on him as
2 a precaution.

3 LIEUTENANT ENGELHARDT: Okay. What
4 training have you received in the use of a AED?

5 OFFICER WACTOR: Prior to being a police
6 officer, I was an EMT-basic. Before then I was -- or --
7 and afterwards I received training in the police academy
8 as a first responder.

9 LIEUTENANT ENGELHARDT: With that
10 particular piece of equipment?

11 OFFICER WACTOR: A very similar piece of
12 equipment, not the exact piece.

13 LIEUTENANT ENGELHARDT: Okay. So you
14 trained with an earlier version of that equipment,
15 basically the same manner or functioning but just a
16 different model or something of that sort?

17 OFFICER WACTOR: Yes, sir.

18 LIEUTENANT ENGELHARDT: Okay. So you
19 trained with something very similar to that; however,
20 they don't -- they changed the model. It's a different
21 model than you actually trained with in the police
22 academy; is that correct?

23 OFFICER WACTOR: Yes, sir.

24 LIEUTENANT ENGELHARDT: Okay. And you
25 also have some medical training with -- as an EMT?

1 OFFICER WACTOR: Yes, sir.

2 LIEUTENANT ENGELHARDT: Okay. And in
3 that training you recognized that he was having a medical
4 emergency -- not just your police training but your prior
5 experience as an EMT?

6 OFFICER WACTOR: Yes, sir.

7 LIEUTENANT ENGELHARDT: Okay. And so
8 you un-handcuffed him and began rendering aid?

9 OFFICER WACTOR: (No verbal response).

10 LIEUTENANT ENGELHARDT: And how long
11 did you render that aid?

12 OFFICER WACTOR: I don't know how long
13 it -- it felt like a lifetime before EMS showed up. I
14 don't know an exact amount of minutes.

15 LIEUTENANT ENGELHARDT: Okay. So
16 you're rendering this aid. And can you describe how
17 you're doing that? What are you doing?

18 OFFICER WACTOR: Officer Mack and I are
19 taking turns doing chest compressions and using a one-way
20 re-breather mask and blowing air into his airway.

21 LIEUTENANT ENGELHARDT: Okay. And you
22 don't know how long it was, but you continued doing that
23 until either the fire department or EMS responded and took
24 over?

25 OFFICER WACTOR: Yes, sir.

1 LIEUTENANT ENGELHARDT: Okay. So you
2 don't know how long it was, but it was from the first you
3 recognized he was having a medical emergency until you're
4 relieved by trained medical people?

5 OFFICER WACTOR: Yes, sir.

6 LIEUTENANT ENGELHARDT: Okay. At any
7 point did you strike Mr. Gilbert?

8 OFFICER WACTOR: No, sir.

9 LIEUTENANT ENGELHARDT: All right. At
10 any point did you observe anyone else -- any other police
11 officer strike Mr. Gilbert?

12 OFFICER WACTOR: No, sir.

13 LIEUTENANT ENGELHARDT: All right. At
14 any point did you choke or in any way impede Mr. Gilbert's
15 airway?

16 OFFICER WACTOR: No, sir.

17 LIEUTENANT ENGELHARDT: Did you observe
18 any other officers choke or impede Officer -- Mr.
19 Gilbert's airway?

20 OFFICER WACTOR: No, sir.

21 LIEUTENANT ENGELHARDT: All right.
22 Did you observe any officers or any members of the police
23 department abuse Mr. Gilbert in any way?

24 OFFICER WACTOR: No, sir.

25 LIEUTENANT ENGELHARDT: Okay. Do you

AUDIO TRANSCRIPTION OF PAUL WACTOR

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1 have anything else to add?

2 OFFICER WACTOR: No, sir.

3 LIEUTENANT ENGELHARDT: Okay. This

4 concludes the interview. It's 11:18.

5 (WHEREIN, the interview was concluded.)

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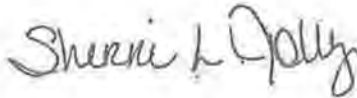
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CERTIFICATE OF NOTARY PUBLIC

STATE OF MISSOURI

I, Sherri L. Jolley, within and for
the State of Missouri, do hereby certify that the tape
transcription in the witness whose testimony appears in
the foregoing transcript in the caption hereof and
thereafter transcribed by me; that said transcript is a
record of the testimony given by said witness; that I am
neither counsel for, related to, nor employed by any
parties to the action; and further that I am not a relative
or employee of any counsel or attorney employee of any
counsel or attorney employed by the parties hereto, nor
financially or otherwise interested in the outcome of the
action.



Sherri L. Jolley

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**ST. LOUIS METROPOLITAN POLICE DEPARTMENT
FORCE INVESTIGATION UNIT**

**IN RE:
COMPLAINT NUMBER: 15-062114**

**AUDIO TRANSCRIPTION OF
RECORDED INTERVIEW OF
VERONICA WILBURN**

DECEMBER 8, 2015

NATIONWIDE SCHEDULING

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2 FORCE INVESTIGATION UNIT

3 IN RE:
4 COMPLAINT NUMBER: 15-062114

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11 RECORDED INTERVIEW OF
12 VERONICA WILBURN
13 DECEMBER 8, 2015

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10:20 P.M.

Due to the quality of the recorded media, portions were

unable to be transcribed. The transcript may also

include misinterpreted words. The transcriber was not

present at the time of the recording; therefore, this

transcript should not be considered verbatim.

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CITY 00651

1 T R A N S C R I P T I O N

2 SERGEANT ENGELHARDT: Okay. Here we
3 go. My name is Lieutenant Roger Engelhardt, DSN 3786.
4 We're conducting an interview concerning an in-custody
5 death, which occurred at the Central Patrol hold-over.
6 It is December 8th, 2015. It's about 10:20 p.m. And at
7 this time I'd like everybody in the room to identify
8 themselves.

9 MR. TOWEY: Jim Towe, attorney.

10 MR. CONWAY: Jack Conway, Civilian
11 Personnel Division President, civilian union.

12 MS. WILBURN: Veronica Wilburn,
13 prisoner processing clerk.

14 SERGEANT ENGELHARDT: Okay. Veronica,
15 I'd just like you to start at the beginning, what you can
16 remember about this incident. This incident concerned
17 a person by the name of Nick -- Nicholas Gilbert.

18 And if you could just start at the
19 beginning, wherever you consider the beginning to be, and
20 tell us what you remember about this incident. I will
21 try not to interrupt you. And when you're done, I'll
22 probably have some questions for you, and then everybody
23 else will be given an opportunity to ask you some
24 questions, too, or clarify some things.

25 So with that in mind, go ahead and start,

1 wherever you think the beginning is.

2 MS. WILBURN: After Gilbert was put in
3 one of the holding cells, waiting to be transported
4 downtown, he was real -- like all over the cell, digging
5 in the lights, in the toilet it looks like. I couldn't
6 see the lower part of what he was doing, but as --

7 Three officers, I think, were about to
8 book some prisoners. And when I turned around, we
9 noticed that he had a jacket tied around his neck, here,
10 and he was trying to loop the other part of the -- the
11 arm part over the bars, to tie it. And he would take it
12 down, and then he would put it back in. But my back was
13 turned and I heard a officer say, "Is he trying to hang
14 his self?"

15 And then we looked, and he -- he
16 proceeded to throw it over again. And that's when a
17 couple of officers ran back there to stop it. And they
18 pulled him down off the bars, because he had climbed up
19 on the gate of the door. And they pulled him down. And
20 they were just holding him down, to calm him down, and
21 he was jumping all over the place, just crazy, like --
22 just wild. And that's -- that was it.

23 SERGEANT ENGELHARDT: Okay. Did you
24 book Mr. Gilbert?

25 MS. WILBURN: Uh-huh.

1 SERGEANT ENGELHARDT: Okay. And do you
2 remember -- is there anything significant about that you
3 can remember?

4 MS. WILBURN: About booking him? Well,
5 while I was booking him, there -- something wasn't right
6 about the paperwork, and I called out to -- over the
7 intercom for the officer that booked him. I couldn't
8 read the first name -- the name for the first officer.
9 So I just called one of the names of the other officers
10 that was on the booking sheet, and they came back there.

11 And I said, "Well, he's -- you need to
12 re-search that guy," because he's -- he was in the cell
13 -- in the holding cell biting on his pants. He had taken
14 the pants down, and he was biting something. And I heard
15 some coins or something drop. So I thought they needed
16 to re-search him, and they did.

17 SERGEANT ENGELHARDT: And when you said
18 he was in the holding cell --

19 MS. WILBURN: I think they call it a D
20 cell --

21 SERGEANT ENGELHARDT: Okay.

22 MS. WILBURN: -- this first -- very
23 first cell where they put everybody at while they're being
24 booked, I guess.

25 SERGEANT ENGELHARDT: Okay. And from

1 where you're sitting, is that -- where -- how does that
2 -- where is that in relationship to the counter where
3 you're sitting at?

4 MS. WILBURN: (No verbal response).

5 SERGEANT ENGELHARDT: Did you see him
6 biting himself, or did you -- how did you -- how did you
7 become aware of that?

8 MS. WILBURN: I heard the -- something
9 drop on the floor. And I turned around, because he's
10 behind me -- so I had to turn my chair. I'm booking him.
11 And I turned around and I looked. I said, "What are you
12 doing?" And he didn't say anything. So he -- I looked
13 back down and he had his head down like that, and he was
14 biting on something. So that's when, you know, I thought
15 they should search him again.

16 SERGEANT ENGELHARDT: And his pants
17 were down, too?

18 MS. WILBURN: I think he had another --
19 the top layer pants were down. Yes. But he had another
20 pair of pants on --

21 SERGEANT ENGELHARDT: Okay.

22 MS. WILBURN: -- pajama pants or
23 something. I don't know.

24 SERGEANT ENGELHARDT: Okay. And -- but
25 you -- even for the hold-over, even for that environment,

1 his behavior was not -- it was unusual; it was odd?

2 MS. WILBURN: Well, yeah, I would say
3 so. I mean, it struck me that he needed to be searched
4 again --

5 SERGEANT ENGELHARDT: Right. Right.

6 MS. WILBURN: -- because it seemed like
7 --

8 SERGEANT ENGELHARDT: I mean, most
9 people --

10 MS. WILBURN: -- you know -- but I think
11 he probably was biting something off his pants. And I
12 heard something hit the floor, so that's --

13 SERGEANT ENGELHARDT: Okay.

14 MS. WILBURN: -- why I suggested they,
15 you know -- I wanted them to search him again and make
16 sure he was -- didn't have anything.

17 SERGEANT ENGELHARDT: So he was biting
18 something, like, on his pants, or could you even tell?

19 MS. WILBURN: He was -- he was, again,
20 bent over and he -- yeah, he was biting off a string or
21 something. I couldn't really tell what it was, but --

22 SERGEANT ENGELHARDT: Okay.

23 MS. WILBURN: -- but it was --

24 SERGEANT ENGELHARDT: And -- but what
25 really drew your attention was the fact that some coins

1 dropped or something like that and you thought, you know,
2 he wasn't searched very well, that he needed to be
3 re-searched?

4 MS. WILBURN: (No verbal response).

5 SERGEANT ENGELHARDT: And what did you
6 do once you realized that he needed to be re-searched or
7 you thought that?

8 MS. WILBURN: I called out on the
9 intercom for the officers that was booking him to come
10 out --

11 SERGEANT ENGELHARDT: Okay.

12 MS. WILBURN: -- come back to the back.

13 SERGEANT ENGELHARDT: And then what
14 happened next?

15 MS. WILBURN: They came back and they --
16 and they -- one of the officers searched him --
17 re-searched him again.

18 SERGEANT ENGELHARDT: Okay. Did they
19 locate any other property, or do you know?

20 MS. WILBURN: I'm not -- I can't
21 remember. I think they did. Yeah, they did.

22 SERGEANT ENGELHARDT: Was there any
23 significant about -- while they're searching him or
24 anything like that? Was there anything unusual or
25 significant about that event -- that part of it?

1 MS. WILBURN: I'm sorry. Can you
2 repeat that?

3 SERGEANT ENGELHARDT: You said these
4 officers came back and they get him out of the cell and
5 they're searching him -- they're re-searching him, right?

6 MS. WILBURN: Uh-huh.

7 SERGEANT ENGELHARDT: Is there anything
8 unusual about that event?

9 MS. WILBURN: No.

10 SERGEANT ENGELHARDT: Okay. I mean,
11 he's being searched like many other prisoners have been
12 searched or re-searched, and there was nothing --

13 MS. WILBURN: Uh-huh.

14 SERGEANT ENGELHARDT: -- nothing
15 particular that you can remember about that, unusual?

16 MS. WILBURN: No.

17 SERGEANT ENGELHARDT: Okay. And did
18 they put him back in the cell, or did they bring him up
19 to the counter at that time?

20 MS. WILBURN: They stayed at the
21 counter.

22 SERGEANT ENGELHARDT: Stayed at the
23 counter?

24 MS. WILBURN: Uh-huh.

25 SERGEANT ENGELHARDT: And were you --

1 what were you doing at the time? Preparing the paperwork
2 or --

3 MS. WILBURN: Yes.

4 SERGEANT ENGELHARDT: Okay. And, now,
5 at some point, he has to sign some forms and some
6 documents?

7 MS. WILBURN: At some point, yeah.

8 SERGEANT ENGELHARDT: Okay. Were you
9 present when -- did you witness him sign anything?

10 MS. WILBURN: No. My back was turned.

11 SERGEANT ENGELHARDT: Okay. And who
12 would've done that? Who would've witnessed him signing
13 -- who would've had him sign?

14 MS. WILBURN: The officers.

15 SERGEANT ENGELHARDT: And that's --
16 you're assuming that, right?

17 MS. WILBURN: I'm sorry?

18 SERGEANT ENGELHARDT: You assume that?
19 You didn't witness the signature or anything like that?

20 MS. WILBURN: You say who would have
21 them sign? I'm -- I guess --

22 SERGEANT ENGELHARDT: I mean, you're
23 assuming it was the officers, right?

24 MS. WILBURN: What is your question
25 again?

1 SERGEANT ENGELHARDT: Did you witness
2 him sign any documents?

3 MS. WILBURN: No.

4 SERGEANT ENGELHARDT: Did you -- were
5 you present when anyone was directing -- or did you
6 witness anybody directing him to sign any documents?

7 MS. WILBURN: No.

8 SERGEANT ENGELHARDT: Okay. And so,
9 other than him -- than the coins falling out or the sound
10 and you thinking he needed to be re-searched, there was
11 nothing really unusual about that?

12 MS. WILBURN: No.

13 SERGEANT ENGELHARDT: All right. And
14 at some point -- how does he -- when did you decide to
15 put him back in a cell?

16 MS. WILBURN: I didn't put him back in
17 a cell.

18 SERGEANT ENGELHARDT: I mean, at some
19 point he goes back and he --

20 MS. WILBURN: The officers handled
21 that.

22 SERGEANT ENGELHARDT: Okay.

23 MS. WILBURN: I don't know
24 (indiscernible) that.

25 SERGEANT ENGELHARDT: Okay. They

1 unlocked the doors by themselves?

2 MS. WILBURN: Once they got done with
3 what they were -- whatever -- once they got done with him,
4 I guess, then they were ready to put him -- they said,
5 "What cell you want to put him in?" And the only one that
6 was open at the time was 4, so, you know, they put the
7 -- when they bring them in through that one corridor, each
8 cell was filled with somebody, so the next available one
9 would've been 4.

10 SERGEANT ENGELHARDT: Okay.

11 MS. WILBURN: That was the next one, so
12 I said, "Put him there," which happened to be directly
13 across from where we were sitting.

14 SERGEANT ENGELHARDT: Okay. And so
15 they did?

16 MS. WILBURN: 4.

17 SERGEANT ENGELHARDT: Right?

18 MS. WILBURN: Uh-huh.

19 SERGEANT ENGELHARDT: They put him in 4?
20 And that was on -- was that uneventful as well?

21 MS. WILBURN: Uh-huh.

22 SERGEANT ENGELHARDT: Nothing unusual,
23 right? Same as --

24 MS. WILBURN: No.

25 SERGEANT ENGELHARDT: -- always?

1 Okay. And then about how long was he in the cell before
2 -- you did, at some point, notice some unusual behavior,
3 right?

4 MS. WILBURN: Uh-huh.

5 SERGEANT ENGELHARDT: And that was --
6 you described him throwing his jacket or something over
7 the cell or something like that?

8 MS. WILBURN: No. He -- prior to him
9 tying -- I didn't see him tie that around his neck, but
10 it was tied around his neck when I noticed that he was
11 fitting to throw that -- the -- the sleeve of it around
12 the bar -- the top bar. He already had one sleeve tied
13 around here.

14 SERGEANT ENGELHARDT: Right.

15 MS. WILBURN: But I do recall prior to
16 that, though, you said he was all over the cell?

17 MS. WILBURN: Walking around, pacing.
18 And, again, he stood up on something, and he was fidgeting
19 around with the light at the top. Then he'd get down and
20 he'd fiddle around the toilet area. I don't know because
21 I couldn't see that part.

22 SERGEANT ENGELHARDT: Right.

23 MS. WILBURN: But --

24 SERGEANT ENGELHARDT: Okay.

25 MS. WILBURN: -- yeah, he was very busy.

1 SERGEANT ENGELHARDT: And that drew
2 your -- that drew -- that activity drew your attention
3 to him?

4 MS. WILBURN: Uh-huh. To everybody
5 that was in there. Yes.

6 SERGEANT ENGELHARDT: Okay.

7 MS. WILBURN: Uh-huh.

8 SERGEANT ENGELHARDT: And so that
9 continued with him -- it was one continuous thing: You
10 were watching him; then he -- as he immediately starts
11 --

12 MS. WILBURN: I was not watching him
13 because at the same time I'm trying to book a prisoner.
14 And then other officers are coming in with people, and
15 hitting the buttons to let them in and -- let them in and
16 out of different doors. And so it was a lot going on.

17 SERGEANT ENGELHARDT: Okay.

18 (Knock at the door; off the record)

19 SERGEANT ENGELHARDT: All right. What
20 were you saying? We were -- you were describing how he
21 was climbing around the cell, looking at the light, going
22 by the --

23 MS. WILBURN: Well, how the prisoner was
24 walking around the cell. He was really -- just kind of
25 hyped.

1 SERGEANT ENGELHARDT: Okay. And -- but
2 your attention is not on him the whole time?

3 MS. WILBURN: No.

4 SERGEANT ENGELHARDT: Okay. And then
5 at some point you notice him doing something with his
6 jacket?

7 MS. WILBURN: Right.

8 SERGEANT ENGELHARDT: Right? Okay.
9 And then did that hold your attention, then?

10 MS. WILBURN: Yes, for a little bit.
11 Yes. Because at that time, when -- when we noticed that
12 he was tying it -- trying to tie the other end of the shirt
13 or jacket or whatever it was over the thing, he had one
14 on his neck already. Officers said that, "Ooh, he's --
15 it looks like he's trying to hang his self." So they ran
16 over.

17 SERGEANT ENGELHARDT: So at first, when
18 you seen him doing this with his jacket, you weren't sure
19 what his intentions were?

20 MS. WILBURN: I'm not sure. I don't
21 understand that one.

22 SERGEANT ENGELHARDT: Okay. So before
23 -- when he was -- he was trying to put his jacket through
24 the bars and -- right? You saw that?

25 MS. WILBURN: Uh-huh.

1 SERGEANT ENGELHARDT: All right. And
2 he did that a couple times?

3 MS. WILBURN: I think it was about -- it
4 was -- I don't know how many times it was.

5 SERGEANT ENGELHARDT: Okay. But you
6 didn't --

7 MS. WILBURN: No.

8 SERGEANT ENGELHARDT: -- you didn't
9 associate --

10 MS. WILBURN: I -- I'm talking about the
11 time that we did see that. Again, officers went back
12 there to pull him down.

13 SERGEANT ENGELHARDT: Okay.

14 MS. WILBURN: Yeah.

15 SERGEANT ENGELHARDT: So when he --
16 okay. So when he first started do -- when he first
17 started doing that, you didn't associate that with him
18 trying to hang himself?

19 MS. WILBURN: The first time he did it?

20 SERGEANT ENGELHARDT: Okay.

21 MS. WILBURN: Well, of course. I would
22 think he was trying to hang his self.

23 MR. TOWEY: Is that what you thought he
24 was doing, is that he was trying to --

25 MS. WILBURN: That he was going to. If

1 not, if -- he was -- you know, whatever his reason was.
2 Yeah. I mean, if you've got something tied here and then
3 you trying to --

4 MR. TOWEY: Throw it up over the bar?

5 MS. WILBURN: Yeah. So --

6 SERGEANT ENGELHARDT: Okay. Okay.

7 And then the officers went back there?

8 MS. WILBURN: Yes.

9 SERGEANT ENGELHARDT: And then what
10 happened there?

11 MS. WILBURN: They pulled him down off
12 the bar. And he was real -- just real fighting. He was
13 trying to fight, trying to get up, you know, get away from
14 them or whatever. And he was just real wild. He was real
15 wild.

16 SERGEANT ENGELHARDT: Okay.

17 MS. WILBURN: That's all --

18 SERGEANT ENGELHARDT: And --

19 MS. WILBURN: -- just real wild. And
20 they tried to hold him down and get help. And so that's
21 how they work. And the more officers that came through,
22 the -- they all, you know, just kind of went back there
23 to assist.

24 SERGEANT ENGELHARDT: And eventually
25 they got him under control?

1 MS. WILBURN: I would guess. I --

2 SERGEANT ENGELHARDT: I mean, you --

3 MS. WILBURN: That's all I know.

4 SERGEANT ENGELHARDT: You were there.

5 MS. WILBURN: I was there. That's

6 right.

7 SERGEANT ENGELHARDT: So, eventually,

8 did they get him under control?

9 MS. WILBURN: From what I could see.

10 SERGEANT ENGELHARDT: Okay. And then

11 -- so you're not whether they got him under control or

12 not?

13 MS. WILBURN: Well, what do you mean by

14 that?

15 SERGEANT ENGELHARDT: I mean, you said

16 he was out of control.

17 MS. WILBURN: Yeah.

18 SERGEANT ENGELHARDT: And then at some

19 point --

20 MS. WILBURN: Well, from what I could

21 see --

22 SERGEANT ENGELHARDT: -- did he become

23 in control?

24 MS. WILBURN: All -- the only thing I

25 remember is that he was very wild, and they needed more

1 people to help. That's all I know, and that's all I could
2 see.

3 SERGEANT ENGELHARDT: So did you leave
4 while that was going on?

5 MS. WILBURN: No, I didn't leave.
6 Again, there were three officers at the desk, booking
7 three people. I had -- there were people trying to get
8 into the building. I mean, not into -- into the --

9 MR. TOWEY: Hold-over?

10 MS. WILBURN: -- back there where he
11 was, what they call the holding -- the other cells, where
12 -- the detention cells, I guess you could say. Yeah.

13 SERGEANT ENGELHARDT: Okay.

14 MS. WILBURN: So I'm pushing the button.
15 You know, people calling and -- on the phone. And, you
16 know, someone was saying something about the paramedics
17 coming in and open this door out here in the back. It's
18 called a sally port door. So, you know, there was a lot
19 of stuff going on.

20 MR. TOWEY: Do you know if they were able
21 to get him handcuffed again after he was going wild?

22 MS. WILBURN: I don't --

23 SERGEANT ENGELHARDT: Hey, Mr. Towey,
24 if we can just wait.

25 MR. TOWEY: Sorry.

1 SERGEANT ENGELHARDT: Okay. So you
2 see all these officers coming in. And he's out of
3 control. And at some point do those officers regain
4 control of him?

5 MS. WILBURN: I guess they did. I
6 didn't see a whole lot of whatever else -- I just didn't.
7 I'm assuming that that was controlled. I don't know.

8 SERGEANT ENGELHARDT: All right. Did
9 -- so, eventually, did an ambulance -- EMS arrive?

10 MS. WILBURN: Yeah. Yeah.

11 SERGEANT ENGELHARDT: And then what
12 happened?

13 MS. WILBURN: And they went back there
14 with him.

15 SERGEANT ENGELHARDT: Okay. And did
16 you -- what -- did you see them treating him at all?

17 MS. WILBURN: Yes. They were giving --
18 I could -- I think they were pushing on his -- you know,
19 the CPR thing -- pushing -- I saw the pushing --

20 SERGEANT ENGELHARDT: Okay.

21 MS. WILBURN: -- what little bit I could
22 see.

23 SERGEANT ENGELHARDT: Okay. And then
24 did you see them -- at some point they carried him out?

25 MS. WILBURN: Yeah, but I did not see

1 them pull him out.

2 SERGEANT ENGELHARDT: You didn't see
3 him came (sic) out?

4 MS. WILBURN: I just know he was out of
5 there. Yeah.

6 SERGEANT ENGELHARDT: Okay. All
7 right. So you didn't -- you -- you didn't really see
8 much?

9 MS. WILBURN: No.

10 SERGEANT ENGELHARDT: Okay. All
11 right. How long have you worked for the police
12 department?

13 MS. WILBURN: 24, almost 25 years.

14 SERGEANT ENGELHARDT: And has all that
15 time been in prisoner processing?

16 MS. WILBURN: Yep. Yeah.

17 SERGEANT ENGELHARDT: Prisoner
18 processing, whether here or at 1200 Clark?

19 MS. WILBURN: 1200 Clark. I worked at
20 a few of the districts in the past years.

21 SERGEANT ENGELHARDT: Okay. All
22 right. That's all I have right now.

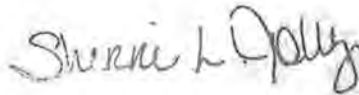
23 MR. TOWEY: No.

24 SERGEANT ENGELHARDT: Okay. All
25 right. It is 10:40. I'm going to turn the machine off.

1 (WHEREIN, the interview was concluded.)
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1 CERTIFICATE OF NOTARY PUBLIC
2 STATE OF MISSOURI
3 I, Sherri L. Jolley, within and for
4 the State of Missouri, do hereby certify that the tape
5 transcription in the witness whose testimony appears in
6 the foregoing transcript in the caption hereof and
7 thereafter transcribed by me; that said transcript is a
8 record of the testimony given by said witness; that I am
9 neither counsel for, related to, nor employed by any
10 parties to the action; and further that I am not a relative
11 or employee of any counsel or attorney employee of any
12 counsel or attorney employed by the parties hereto, nor
13 financially or otherwise interested in the outcome of the
14 action.

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Sherri L. Jolley

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01-11-2016

Transcript titled as Sergeant Ronald Bruntgrager should be Sergeant Ronald Bergmann. This has been corrected in narrative of completed report.

Detective Steven Burle 3390/760

ORIGINAL

ST. LOUIS METROPOLITAN POLICE DEPARTMENT
FORCE INVESTIGATION UNIT

IN RE:
COMPLAINT NUMBER: 15-062114

AUDIO TRANSCRIPTION OF
RECORDED INTERVIEW OF
SERGEANT RONALD BRUNTRAGER

DECEMBER 8, 2015

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AUDIO TRANSCRIPTION OF SERGEANT RONALD BRUNTRAGER

Page 1

1 ST. LOUIS METROPOLITAN POLICE DEPARTMENT
2 FORCE INVESTIGATION UNIT

3 IN RE:
4 COMPLAINT NUMBER: 15-062114

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11 RECORDED INTERVIEW OF
12 SERGEANT RONALD BRUNTRAGER

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10:45 P.M.

Due to the quality of the recorded media, portions were
unable to be transcribed. The transcript may also
include misinterpreted words. The transcriber was not
present at the time of the recording; therefore, this
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1 T R A N S C R I P T I O N

2 SERGEANT ENGELHARDT: My name is
3 Lieutenant Roger Engelhardt, DSN 3786, with the Force
4 Investigation Unit. We are on the seventh floor of
5 police headquarters. It is December 8th. It's about
6 p.m. At this time I'd like everybody else in the
7 room to identify themselves.

10:45

8 MR. MILLIKAN: This is Neil Bruntrager.
9 I'm counsel for the interviewee.

10 SERGEANT BRUNTRAGER: Sergeant Ronald
11 Bergmann, DSN 4391, Third District.

12 LIEUTENANT ENGELHARDT: Okay.
13 Sergeant Bergmann, the reason why we're here, we want to
14 talk about an incident which occurred in the Central
15 Patrol hold-over earlier this evening involving a person
16 by the name of Nicholas Gilbert. Are you familiar with
17 that incident?

18 SERGEANT BRUNTRAGER: I am now.

19 LIEUTENANT ENGELHARDT: Okay. And if
20 -- if you could, I'd like you just to start at the
21 beginning, wherever you think the beginning is, and just
22 tell us what you remember about the incident. When
23 you're done -- I'll try not to interrupt you while you're
24 doing that. No one else should either.

25 When you're done, I'll probably have

1 some questions for you, and then your attorney, he can
2 ask some questions or clarify things. At any point you
3 want to clarify something, go ahead and do so. - Okay?

4 SERGEANT BRUNTRAGER: Yes, sir.

5 LIEUTENANT ENGELHARDT: All right. So
6 with that understanding, go ahead and begin.

7 SERGEANT BRUNTRAGER: Okay. I was in
8 the hold-over on an unrelated incident looking for one
9 of my officers to give them some information as far as
10 a subpoena he had in a book. They had just brought some
11 prisoners in. While back there, I was alerted by Officer
12 Joe Stuckey that there was a person in the back trying
13 to hang himself.

14 I believe it was -- Officer Degregorio
15 and Officer Stuckey went back there first. I could see
16 somebody back in there, but I couldn't tell exactly what
17 he was doing. He was standing back there in the
18 hold-over. It appeared like he was on the -- just at the
19 cell door or just outside the cell door.

20 I went around the side. That's when Joe
21 Stuckey had guided the guy -- the suspect -- the man in
22 the hold-over -- I guess you'd call him the prisoner --
23 had him back into the cell.

24 LIEUTENANT ENGELHARDT: Okay.

25 SERGEANT BRUNTRAGER: And he was trying

1 to get his hand to place handcuffs on him. Officer
2 Degregorio was also there, too. I -- at which time they
3 had his left hand -- I believe Joe Stuckey had his left
4 hand, at which time the guy got on his knees. That's when
5 I came into there. They were trying to get his left hand
6 -- he was down on his knees -- while I was trying to get
7 his right hand.

8 During that time they only got cuffs on
9 the left hand, and I was able to pull back his right hand
10 and get that cuffed. During this time, too, I'm alerting
11 to the people in the back, the hold-over clerk, trying
12 to tell her to hit the alarm, get some more help back here
13 -- we need some more help back here.

14 While this is going on, the suspect --
15 the prisoner, he is kneeling in front of the concrete
16 bench, I guess you would say, there. His face was down
17 while doing this. He kept trying to get up, kept trying
18 to just get free. He was trying to -- he was kicking,
19 I'd say thrashing his legs, because I think I got a --
20 I don't know if it was his foot or if it was part of his
21 upper thigh or whatever, but I got that on my leg. I also
22 took the time -- I yelled back for somebody to go get some
23 leg restraints.

24 During that time -- at which time Officer
25 Stuckey -- once we got the handcuffs on -- and during that

1 time I know the -- the -- I'm sorry -- the prisoner grabbed
2 -- apparently attempted to grab on Officer Degregorio's
3 pants leg or something, at which time he hit his hand with
4 his hand -- either a fist or a down motion, like a stunning
5 motion, at which time he let go of his trouser, I believe
6 it was.

7 During that time, like I said, we got
8 somebody to come in there with a pair of leg shackles,
9 which I believe was Officer Wactor. At that time, the
10 guy was still -- once he was in leg shackles, he was still
11 trying to get up. I don't recall saying anything. I
12 just recall maybe some moans, grunts, nothing really
13 intelligible at all that I could make out. He didn't want
14 to listen to us. He didn't want to listen to commands
15 to place his hands behind his back.

16 We -- at that time, more officers
17 arrived. They were able to come in there and basically
18 take out spots as we were -- as we were getting back out.
19 That's when I got on the radio and I asked for an ambulance
20 that would put the young man on a stretcher. That way
21 he would be able to be secured in a stretcher due to him
22 wanting to hang himself.

23 And while waiting for that, he was out.
24 I believe the officers and -- had him on his side. And
25 I think that's when I -- they had him on his side. A

1 couple other officers came in. That's when they let me
2 know that he had a faint pulse. That's when I got on the
3 radio and let -- told EM -- I told the dispatcher again
4 that the subject had a faint pulse; we needed to have them
5 hurry up and get here.

6 And they said it looked like it -- he
7 appeared he -- it appeared was trying to -- like he was
8 holding his breath. I couldn't really tell. Like I
9 said, I was outside the cell by then. And by that time,
10 Lieutenant Alvashad (ph) had responded on the scene,
11 also.

12 In between me going outside to get on the
13 radio and let them know what was going on as far as EMS,
14 he was back there. And I got Sergeant Wazniak (ph) to
15 come back there with the officers who were back in the
16 cell. (indiscernible) call on the radio. I called
17 again, letting them know that he wasn't breathing then
18 on the radio. I probably did three or four times see
19 where they were at or what they were doing as far as
20 getting there.

21 At that time, the fire department
22 finally showed up. And then a short time after that, an
23 ambulance showed up. I asked the lady what took so long,
24 and she told me that all they had was information that
25 the gentleman had a faint pulse, still. They never got

1 an update as far as -- as far as he wasn't breathing.

2 I'm sorry. Before that, Officers -- I

3 want to say it was Wactor and -- Wactor and Vonnida got

4 the defibrillator out while we were waiting for EMS.

5 They're doing CPR. They're trying to revive the

6 gentleman -- the prisoner. They're trying to do that.

7 And they kept doing that until the fire department got

8 there. The fire department helped them. And from

9 there, that's when the ambulance showed up. And I guess

10 they more or less took over the scene. That's when the

11 guy was taken to the hospital.

12 LIEUTENANT ENGELHARDT: That's it?

13 SERGEANT BRUNTRAGER: That's -- pretty

14 much. Yeah.

15 LIEUTENANT ENGELHARDT: Okay. What

16 first drew your attention to him?

17 SERGEANT BRUNTRAGER: Either -- I think

18 Joe Stuckey had yelled that there was a guy trying to hang

19 himself.

20 LIEUTENANT ENGELHARDT: And where were

21 you at?

22 SERGEANT BRUNTRAGER: I was in the

23 hold-over. I was -- I think I was in the -- the little

24 vestibule area, where the gun lockers are. I had just

25 came back there. I think I was making my way up to the

1 -- up to where the clerk usually is. However, I came back
2 in the hold-over where I heard somebody yell. That's
3 when I went through the doors and went around where the
4 coppers were going -- the officers were going.

5 LIEUTENANT ENGELHARDT: So were you
6 with the first group of officers that made contact with
7 him?

8 SERGEANT BRUNTRAGER: I was.

9 LIEUTENANT ENGELHARDT: And who were
10 those officers with you?

11 SERGEANT BRUNTRAGER: Myself -- I'm
12 sorry. It was Officer Joe Stuckey, Officer Roland
13 Degregorio, myself, and then Officer Paul Wactor came in
14 after that with the leg restraints.

15 LIEUTENANT ENGELHARDT: Okay. Did
16 anybody else show up?

17 SERGEANT BRUNTRAGER: There were other
18 officers that came in there to relieve us after we -- after
19 we -- they were cycling in as more help was coming.

20 LIEUTENANT ENGELHARDT: Okay. Now --
21 so did -- were the four of you able to control -- get him
22 in handcuffs and shackles, or did it take --

23 SERGEANT BRUNTRAGER: We were able to
24 get him in handcuffs and stuff, but he was still -- he
25 was hitting his head. That's how he got the bump on one

1 of his eyes. I cannot recall which one, because that's
2 -- while we were trying to get the shackles on, that's
3 when Officer Degregorio told me -- he goes, "Sergeant,
4 you know, he's bleeding on his forehead." I said,
5 "Okay." And it was on the side I was on --

6 LIEUTENANT ENGELHARDT: Okay.

7 SERGEANT BRUNTRAGER: -- the forehead
8 side. So we were able to get the shackles on eventually,
9 but he was still trying to push up -- push up on us.
10 That's why I wanted the gurney there, for EMS to be able
11 to securely -- secure him to the gurney, because there
12 was no way he could go in a cruiser or anything.

13 LIEUTENANT ENGELHARDT: Okay. And
14 while -- when -- from the -- when you made contact with
15 him, did he say anything?

16 SERGEANT BRUNTRAGER: No, nothing at
17 all.

18 LIEUTENANT ENGELHARDT: Did he make any
19 kind of noises?

20 SERGEANT BRUNTRAGER: He was -- I think
21 he was groaning and grunting, trying to get up, trying
22 to lift himself off the floor and off the -- the floor
23 and the -- I guess you'd call it the concrete seat where
24 he was -- where he had his head rested down.

25 LIEUTENANT ENGELHARDT: Okay.

1 SERGEANT BRUNTRAGER: And then once we
2 had him -- once we had him secured, we did put him all
3 the way on the ground.

4 LIEUTENANT ENGELHARDT: Do you know of
5 any injuries he sustained?

6 SERGEANT BRUNTRAGER: As far as I know,
7 he had a contusion or a gash, I guess, to his -- right
8 above his right or left eye from when he was striking his
9 head on the concrete seat.

10 LIEUTENANT ENGELHARDT: Okay. And
11 then did that injury bleed?

12 SERGEANT BRUNTRAGER: It did bleed.
13 Yes.

14 LIEUTENANT ENGELHARDT: Okay. All
15 right. And you said the fire department arrived?

16 SERGEANT BRUNTRAGER: The fire
17 department arrived.

18 LIEUTENANT ENGELHARDT: And then Abbott
19 Ambulance arrived?

20 SERGEANT BRUNTRAGER: Yes.

21 LIEUTENANT ENGELHARDT: And they took
22 over?

23 SERGEANT BRUNTRAGER: Yes.

24 LIEUTENANT ENGELHARDT: Okay. So it
25 became more of a medical --

1 SERGEANT BRUNTRAGER: Yeah, most
2 definitely.

3 LIEUTENANT ENGELHARDT: Okay. Then --
4 as opposed to, you know, a resisting or something like
5 that, it was more of a medical situation?

6 SERGEANT BRUNTRAGER: After -- if you
7 could clarify that for me, please.

8 LIEUTENANT ENGELHARDT: When you saw
9 him, you thought he was going to hang himself, right?

10 SERGEANT BRUNTRAGER: Oh, most
11 definitely. Yes. Yeah.

12 LIEUTENANT ENGELHARDT: Right? And --

13 SERGEANT BRUNTRAGER: His pants were
14 tied up -- I believe it was his pants were tied up on the
15 cell, on a door.

16 LIEUTENANT ENGELHARDT: Right. And so
17 when you went back there, your intentions were to what?

18 SERGEANT BRUNTRAGER: Exactly -- to
19 make sure he was safe, get him EMS attention --

20 LIEUTENANT ENGELHARDT: Okay. So --

21 SERGEANT BRUNTRAGER: -- not to harm
22 himself.

23 LIEUTENANT ENGELHARDT: Right. So
24 this -- you recognized it as a -- as what kind of
25 situation?

AUDIO TRANSCRIPTION OF SERGEANT RONALD BRUNTRAGER

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1 SERGEANT BRUNTRAGER: A sign of help.

2 He needed some help --

3 LIEUTENANT ENGELHARDT: Okay. All

4 right.

5 SERGEANT BRUNTRAGER: -- medical.

6 LIEUTENANT ENGELHARDT: All right. So

7 you called the ambulance because you believed he was --

8 SERGEANT BRUNTRAGER: He wanted to hurt

9 himself.

10 LIEUTENANT ENGELHARDT: He wanted to

11 hurt himself. Right.

12 SERGEANT BRUNTRAGER: That's exactly

13 right.

14 LIEUTENANT ENGELHARDT: And then when

15 you made contact with him, did he attack you?

16 SERGEANT BRUNTRAGER: He was -- he was

17 -- well, the officers already had him in a cell. He was

18 -- yeah, he was kicking.

19 LIEUTENANT ENGELHARDT: He was kicking?

20 SERGEANT BRUNTRAGER: He was kicking

21 and refused to be handcuffed.

22 LIEUTENANT ENGELHARDT: Was his

23 intentions -- was he kicking because -- and this is just

24 your opinion.

25 SERGEANT BRUNTRAGER: Sure.

1 LIEUTENANT ENGELHARDT: In your
2 opinion, was he kicking because he was trying to hurt or
3 injure officers, or was it because he was having some kind
4 of medical situation?

5 SERGEANT BRUNTRAGER: I think he was
6 trying to -- quite possibly both. I really don't know.

7 LIEUTENANT ENGELHARDT: Okay.

8 SERGEANT BRUNTRAGER: I really don't
9 know.

10 LIEUTENANT ENGELHARDT: All right.
11 Did -- were his actions consistent with somebody who is
12 resisting the police, or are they more consistent with
13 somebody who's having a medical emergency or some kind
14 of medical event, psychological event?

15 SERGEANT BRUNTRAGER: I think more or
16 less a person resisting, because he refused to be
17 handcuffed.

18 LIEUTENANT ENGELHARDT: Okay. Okay.
19 And you only noticed the one injury?

20 SERGEANT BRUNTRAGER: On the eye -- it
21 was one of the eyes. I don't recall which one. There
22 was blood from above an eye.

23 LIEUTENANT ENGELHARDT: Okay. And you
24 said that you made initial contact with him with Officer
25 Stuckey and Officer --

1 SERGEANT BRUNTRAGER: Degregorio.

2 LIEUTENANT ENGELHARDT: And Officer

3 Wactor came back?

4 SERGEANT BRUNTRAGER: Wactor came in.

5 Exactly.

6 LIEUTENANT ENGELHARDT: So, initially,
7 it was you three, and then Officer --

8 SERGEANT BRUNTRAGER: And then Wactor
9 came up with the leg cuffs.

10 LIEUTENANT ENGELHARDT: Okay. And the
11 -- were the four of you able to get him under control,
12 or get him handcuffed?

13 SERGEANT BRUNTRAGER: We were able to
14 get him cuffed.

15 LIEUTENANT ENGELHARDT: Cuffed and
16 shackled?

17 SERGEANT BRUNTRAGER: But he was still
18 actively resisting while he was still cuffed.

19 LIEUTENANT ENGELHARDT: Okay. All
20 right. And of those four officers, did you see any of
21 those officers strike --

22 SERGEANT BRUNTRAGER: I saw Officer
23 Degregorio -- he -- when he grabbed him, he gave a -- I
24 guess you could call it a hand strike or a stun to the
25 -- I want to say to his hand when he was grabbing him.

1 And that was it.

2 LIEUTENANT ENGELHARDT: Now, you say
3 with a stun. Did he use a Taser or just --

4 SERGEANT BRUNTRAGER: No; his hand.
5 His fist, maybe.

6 LIEUTENANT ENGELHARDT: Okay.

7 SERGEANT BRUNTRAGER: Yeah.

8 LIEUTENANT ENGELHARDT: So what you're
9 describing to me is Mr. Gilbert grabbed Officer --

10 SERGEANT BRUNTRAGER: Grabbed the
11 officer and at the time he hit him.

12 LIEUTENANT ENGELHARDT: He hit his
13 hand?

14 SERGEANT BRUNTRAGER: Exactly. His
15 hand.

16 LIEUTENANT ENGELHARDT: In the hand?

17 SERGEANT BRUNTRAGER: To let go of his
18 grasp.

19 LIEUTENANT ENGELHARDT: And that's what
20 you assume his intentions were, right?

21 SERGEANT BRUNTRAGER: That's what I
22 thought it was. Yeah. I saw the officer's hand go down
23 and hit right on his hand, so I'm assuming he was grabbing
24 him or something.

25 LIEUTENANT ENGELHARDT: Saw Officer

1 Degregio. Did you see anybody else strike him?

2 SERGEANT BRUNTRAGER: No, not at all.

3 LIEUTENANT ENGELHARDT: All right.

4 And did you see anybody -- did anybody choke him or any
5 way interfere --

6 SERGEANT BRUNTRAGER: No.

7 LIEUTENANT ENGELHARDT: -- with his
8 airway?

9 SERGEANT BRUNTRAGER: Not that I'm
10 aware of. No. Not at all. I was at the front the whole
11 time. And Officer Degregorio there, no one -- he was
12 fine. The -- or he was -- nobody blocked that at all --
13 his airway.

14 LIEUTENANT ENGELHARDT: Nobody put him
15 in a chokehold?

16 SERGEANT BRUNTRAGER: No, no chokeholds
17 at all.

18 LIEUTENANT ENGELHARDT: Nobody wrapped
19 their arm around his neck?

20 SERGEANT BRUNTRAGER: No, nothing at
21 all.

22 LIEUTENANT ENGELHARDT: All right.

23 And you didn't do any of that?

24 SERGEANT BRUNTRAGER: No. Definitely
25 not.

1 LIEUTENANT ENGELHARDT: And you never
2 -- you didn't strike him at all?

3 SERGEANT BRUNTRAGER: No, I did not.

4 LIEUTENANT ENGELHARDT: And the only
5 person that you saw strike him in any way is what you've
6 already described?

7 SERGEANT BRUNTRAGER: Exactly.

8 LIEUTENANT ENGELHARDT: Okay. That's
9 all I've got.

10 MR. MILLIKAN: Just this real quickly.
11 Sergeant, you've indicated as you've been describing this
12 -- the blows, you -- and obviously the tape recorder won't
13 pick this up, but you have taking your left hand and
14 grabbing your pant leg on your left leg. You've
15 described Officer Degregio's move as a strike to the hand.
16 That would've been of the person who was holding the pant
17 leg of Officer Degregorio; is that right?

18 SERGEANT BRUNTRAGER: Yes. Yes.

19 MR. MILLIKAN: Okay. And, again, from
20 what you were able to observe, was that a blow from
21 Degregorio's hand onto the prisoner's hand?

22 SERGEANT BRUNTRAGER: Yes, it was.

23 LIEUTENANT ENGELHARDT: And when he hit
24 the prisoner on the hand, did the prisoner release the
25 hold?

1 SERGEANT BRUNTRAGER: I believe he did.
2 I didn't see exactly where it was at. I just saw the hand
3 down there --

4 MR. MILLIKAN: Okay.

5 SERGEANT BRUNTRAGER: -- because he was
6 handcuffed behind his back --

7 MR. MILLIKAN: Okay.

8 SERGEANT BRUNTRAGER: -- with the
9 officer right there, basically like this.

10 MR. MILLIKAN: Okay. So they -- he was
11 in front of the officer facing the same way as the officer,
12 but reaching back --

13 SERGEANT BRUNTRAGER: Right.

14 MR. MILLIKAN: -- for his hand and
15 grabbing --

16 SERGEANT BRUNTRAGER: Exactly.
17 Exactly.

18 MR. MILLIKAN: Okay. Once the prisoner
19 released his hold on the pant leg, did Degregorio stop
20 striking the hand?

21 SERGEANT BRUNTRAGER: Yes. It was only
22 the one time.

23 MR. MILLIKAN: Okay. So you saw one
24 blow the whole time?

25 SERGEANT BRUNTRAGER: Exactly.

1 MR. MILLIKAN: Okay. And that's the only
2 blow that you saw?

3 SERGEANT BRUNTRAGER: It's the only
4 blow I saw.

5 MR. MILLIKAN: Okay. Was he ever
6 shackled in such a way that his ankles and his handcuffs
7 were hooked together? Was he hog tied?

8 SERGEANT BRUNTRAGER: No, not at all.

9 MR. MILLIKAN: Okay. All right. Just
10 one other thing. At the point where he's on the ground
11 and appears to be in physical distress, did Officer Wactor
12 then render CPR?

13 SERGEANT BRUNTRAGER: Wactor and
14 Officer Vonnida both did.

15 MR. MILLIKAN: Okay. And they -- my
16 understanding was they did that for quite a period of
17 time?

18 SERGEANT BRUNTRAGER: They did.

19 MR. MILLIKAN: Okay. So at the point
20 where it became apparent that he had a medical condition
21 that required attention, from what you could observe, he
22 was given that attention?

23 SERGEANT BRUNTRAGER: He was definitely
24 given medical attention.

25 MR. MILLIKAN: All right.

1 LIEUTENANT ENGELHARDT: Okay. That
2 will be -- conclude the interview, unless you have
3 anything else to say.

4 SERGEANT BRUNTRAGER: No, sir.

5 LIEUTENANT ENGELHARDT: Okay. 10:58.

6 (WHEREIN, the interview was concluded.)
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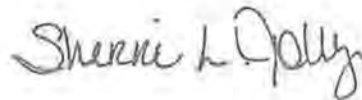
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12 counsel or attorney employed by the parties hereto, nor
13 financially or otherwise interested in the outcome of the
14 action.

15

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17

18



19

Sherri L. Jolley

20

21

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FORCE INVESTIGATION UNIT

IN RE:
COMPLAINT NUMBER: 15-062114

AUDIO TRANSCRIPTION OF
RECORDED INTERVIEW OF
BRYAN LEMONS

DECEMBER 9, 2015

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2 FORCE INVESTIGATION UNIT

3 IN RE:
4 COMPLAINT NUMBER: 15-062114

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RECORDED INTERVIEW OF

BRYAN LEMONS

DECEMBER 9, 2015

12:57 A.M.

Due to the quality of the recorded media, portions were unable to be transcribed. The transcript may also include misinterpreted words. The transcriber was not present at the time of the recording; therefore, this transcript should not be considered verbatim.

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1 T R A N S C R I P T I O N

2 LIEUTENANT ENGELHARDT: I'm Lieutenant Roger
3 Engelhardt, DSN 3786, assigned to the Force Investigation
4 Unit. We're on the seventh floor of police headquarters in
5 the Force Investigation Unit office. It is December 9th.
6 It's 12:57 a.m. At this time I'd like everybody in the room
7 to identify themselves.

8 ST. LOUIS METROPOLITAN POLICE DEPARTMENT

9 FORCE INVESTIGATION UNIT

10 MR. TOWEY: Jim Towey, attorney.

OFFICER LEMONS: Bryan Lemons, police
11 officer, St. Louis City, Third District.

LIEUTENANT ENGELHARDT: And what's your DSN?

12 OFFICER LEMONS: 11154.

LIEUTENANT ENGELHARDT: Great. I want to
13 talk to you about an incident which occurred in the Central
Patrol hold-over yesterday. It involved a person by the name
14 of Nicholas Gilbert. Are you familiar with that incident?

OFFICER LEMONS: Yes, sir.

15 LIEUTENANT ENGELHARDT: Okay. I'd like you
to tell me what you can remember about that incident, starting
16 at the beginning. And I won't interrupt you while you tell
me what you recall about that. When you're done I'll probably
17 have some questions for you, and Mr. Towey or others might have
questions for you as well. So with that understanding, go
18 ahead and begin telling me what you recall.

OFFICER LEMONS: Yes, sir. I was in the
19 reporting writing room at the station this evening -- the
incident. Officer Stuckey came in, said that they needed some
20 help in the hold-over, with a subject. I got up, went back
there. I noticed that there was some officers struggling with
21 the subject in Cell Block Number 4, trying to get handcuffs
on him and detain him.

22 At that point, I noticed that he started
kicking and flailing his legs and arms. I assisted the other
23 officers in the cell. I grabbed his right leg and helped
secure his right leg from continuing kicking the other
24 officers. While we were detaining him, he continued flailing
and flapping around.

25 When all resistance stopped, we -- all the
resisting stopped, we got up, noticed that he wasn't breathing.

1 The other officers began CPR on the individual and radioed for
2 EMS to respond. And that was it.

3 LIEUTENANT ENGELHARDT: Okay. So where were
4 you when you first learned there was something going on in the
5 hold-over?

OFFICER LEMONS: In the report writing room.

6 LIEUTENANT ENGELHARDT: Okay. And somebody
7 went and got you and told you there was something going on or
8 -- what did you do then?

9 OFFICER LEMONS: Yeah. Officer Stuckey came
10 in and said that they needed assistance in the hold-over. And
that's when I got up and went back to the hold-over.

11 LIEUTENANT ENGELHARDT: Okay. And when you
12 arrived in the hold-over, what was the first thing you
observed?

13 OFFICER LEMONS: I observed the subject on the
14 ST. LOUIS METROPOLITAN POLICE DEPARTMENT
15 FORCE INVESTIGATION UNIT

16 ground, and the officers there in the cell were trying to get
him to -- detained with handcuffs. And he was resisting.

17 LIEUTENANT ENGELHARDT: So was he already
18 handcuffed at that time when you came in, or were they in the
process of handcuffing him?

OFFICER LEMONS: They were still in the
19 process of trying to get handcuffs on him.

20 LIEUTENANT ENGELHARDT: Okay. Did he have
anything on his legs?

OFFICER LEMONS: I think they were trying to
21 get shackles on his legs, but they didn't have them secured.

22 LIEUTENANT ENGELHARDT: Okay. And at some
point you came and made contact with him?

OFFICER LEMONS: Yes, sir.

23 LIEUTENANT ENGELHARDT: All right. And what
kind of contact was that?

24 OFFICER LEMONS: I placed my right knee on his
leg.

25 LIEUTENANT ENGELHARDT: Your right knee on his
leg?

1 OFFICER LEMONS: Yes, sir.
 LIEUTENANT ENGELHARDT: All right.
 2 OFFICER LEMONS: I knelt down and placed my
 right knee on his leg.
 3 LIEUTENANT ENGELHARDT: And for what purpose?
 4 OFFICER LEMONS: To help secure his leg as they
 5 were placing the shackles onto his legs.
 6 LIEUTENANT ENGELHARDT: Okay. And why did
 7 you think it was necessary to secure his legs?
 OFFICER LEMONS: Because -- so he can quit --
 8 well, so the kicking of -- the subject can quit kicking the
 officers.
 9 LIEUTENANT ENGELHARDT: Okay. So you saw him
 kicking and you thought he might injure an officer if you didn't
 10 --
 11 OFFICER LEMONS: Yes, sir.
 12 LIEUTENANT ENGELHARDT: Okay. So you kneeled
 13 on his legs to restrain his legs --
 14 OFFICER LEMONS: Yes, sir.
 LIEUTENANT ENGELHARDT: -- to keep him from
 15 kicking officers?
 OFFICER LEMONS: Yes, sir.
 16 LIEUTENANT ENGELHARDT: All right. And at
 some point did he stop?
 17 OFFICER LEMONS: Yes, sir.
 LIEUTENANT ENGELHARDT: All right. And then
 18 what happened?
 19 OFFICER LEMONS: And when the resisting
 20 ST. LOUIS METROPOLITAN POLICE DEPARTMENT
 21 FORCE INVESTIGATION UNIT
 22 stopped, we stood up. I noticed that he wasn't breathing. He
 didn't have a pulse. That's when the other officers began CPR.
 23 LIEUTENANT ENGELHARDT: Was that shortly
 after he stopped kicking?
 24 OFFICER LEMONS: Yes, sir.
 LIEUTENANT ENGELHARDT: All right. And so
 25 what -- what happened next?
 OFFICER LEMONS: That's when the officers

1 began CPR. And then we waited for EMS to respond.
 2 LIEUTENANT ENGELHARDT: Okay. And how long
 3 did those officers perform CPR on him?
 4 OFFICER LEMONS: It was for a while.
 5 LIEUTENANT ENGELHARDT: Okay. And what
 6 finally made them stop performing CPR on them?
 7 OFFICER LEMONS: EMS had came in, and they took
 8 over.
 9 LIEUTENANT ENGELHARDT: Okay. And so you
 10 made physical contact with him?
 11 OFFICER LEMONS: Yes, sir.
 12 LIEUTENANT ENGELHARDT: All right. Did you
 13 strike Mr. Gilbert at any time?
 14 OFFICER LEMONS: No, sir.
 15 LIEUTENANT ENGELHARDT: Did you observe any
 16 other officers strike Mr. Gilbert?
 17 OFFICER LEMONS: No, sir.
 18 LIEUTENANT ENGELHARDT: Did you choke Mr.
 19 Gilbert?
 20 OFFICER LEMONS: No, sir.
 21 LIEUTENANT ENGELHARDT: Did you in any way
 22 obstruct Mr. Gilbert's airway?
 23 OFFICER LEMONS: No, sir.
 24 LIEUTENANT ENGELHARDT: Did you observe any
 25 other officers strike Mr. Gilbert?
 26 OFFICER LEMONS: No, sir.
 27 LIEUTENANT ENGELHARDT: Did you observe any
 28 other officers choke or otherwise obstruct Mr. Gilbert's
 29 airway?
 30 OFFICER LEMONS: No, sir. You got anything?
 31 MR. TOWEY: No.
 32 MR. BRUNTRAGER: No, sir.
 33 (WHEREIN, the interview was concluded.)
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1 CERTIFICATE OF NOTARY PUBLIC
 2 STATE OF MISSOURI
 3 I, Sherri L. Jolley, within and for
 4 the State of Missouri, do hereby certify that the tape
 5 ST. LOUIS METROPOLITAN POLICE DEPARTMENT
 6 FORCE INVESTIGATION UNIT
 7 transcription in the witness whose testimony appears in the
 8 foregoing transcript in the caption hereof and thereafter
 9 transcribed by me; that said transcript is a record of the
 10 testimony given by said witness; that I am neither counsel for,
 11 related to, nor employed by any parties to the action; and
 further that I am not a relative or employee of any counsel
 or attorney employee of any counsel or attorney employed by
 the parties hereto, nor financially or otherwise interested
 in the outcome of the action.

12 
 13 Sherri L. Jolley
 14 Sherri L. Jolley
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**ST. LOUIS METROPOLITAN POLICE DEPARTMENT
FORCE INVESTIGATION UNIT**

**IN RE:
COMPLAINT NUMBER: 15-062114**

**AUDIO TRANSCRIPTION OF
RECORDED INTERVIEW OF
JASON KING**

OCTOBER 17, 2015

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1 ST. LOUIS METROPOLITAN POLICE DEPARTMENT
2 FORCE INVESTIGATION UNIT

3 IN RE:
4 COMPLAINT NUMBER: 15-062114
5

6 RECORDED INTERVIEW OF
7 JASON KING
8

9 OCTOBER 17, 2015
10 10:15 A.M.

11 Due to the quality of the recorded media, portions were
12 unable to be transcribed. The transcript may also
13 include misinterpreted words. The transcriber was not
14 present at the time of the recording; therefore, this
15 transcript should not be considered verbatim.
16

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25

1 T R A N S C R I P T I O N

2 SERGEANT ENGELHARDT: My name is
3 Lieutenant Roger Engelhardt, DSN 3786, with the Force
4 Investigation Unit. Today is October 17th. It's about
5 in the morning. We're on the seventh floor of
6 police headquarters, in my office. At this time I'd like
7 everybody else in the room to identify themselves.

8 MR. MILLIKAN: Attorney Brian Millikan.

9 OFFICER KING: Police officer Jason
10 King, DSN 6636.

11 LIEUTENANT ENGELHARDT: Where are you
12 assigned, Officer King?

13 OFFICER KING: District 3.

14 LIEUTENANT ENGELHARDT: Okay. And,
15 Officer King, what I'd like to talk to you about is an
16 incident which happened on December 8th about 6:15 p.m.
17 in the Central Patrol hold-over area. Are you familiar
18 with the incident I'm talking about?

19 OFFICER KING: Yes.

20 LIEUTENANT ENGELHARDT: Okay. If you
21 could just tell me what you can recall about that
22 incident, starting at the beginning, whatever you
23 consider the beginning to be. And I'll try not to as you
24 relay to me what you remember. When you're done I'll
25 probably have some questions for you and -- to clarify

1 some things. At some point Mr. Millikan will be given
2 an opportunity to ask you some questions and clarify
3 things. At any time do you -- that you think you need
4 to clarify anything or add some detail to something, feel
5 free to do so.

6 So with all that being understood, go
7 ahead and relay to me what you remember about that event.

8 OFFICER KING: Well, I'm a field
9 training officer, and that evening I was training another
10 officer, PPO Richard Eaves (ph). And we were in the
11 hold-over cell, doing a booking sheet on an individual
12 that we had arrested for bench warrants.

13 While I was back there, I was standing
14 behind the booking clerk, and I was watching my
15 probationary officer. And I had observed this
16 individual, Nicholas Gilbert, in his cell. He was
17 reaching up to the top of the bars like he was trying to
18 grab something that wasn't there. At that point I was
19 under the impression either he was having psychological
20 issues or he was on drugs.

21 While I was watching my probationary
22 officer and watching this individual, I observed him take
23 an article of clothing -- I wasn't sure at the time --
24 I thought it was a shirt. And he wrapped it around the
25 top bar of the cell door, and then proceeded to wrap it

1 around his neck, at which point I had made the comment
2 that he was trying to hang himself.

3 It was moments later that Sergeant
4 Ronald Bergmann had came into the hold-over and another
5 officer had also mentioned it. Sergeant Bergmann went
6 into the back cell area where Nicholas Gilbert was at.

7 And him and another -- I don't know who
8 the other officers were that were in the cell with him
9 at the time, but they did go into the cell. And what I
10 had observed was Nicholas Gilbert kind of put his hands
11 up as though he wasn't wanting to get handcuffed, to
12 prevent himself from hurting himself.

13 While I was working with my probationary
14 officer, the next time I looked into the cell, I observed
15 Sergeant Bergmann lean over the top of Nicholas Gilbert,
16 who was now on his knees laying across the concrete
17 benches inside the cell. And Ronald Bergmann was yelling
18 for help and to hit the aid button -- asking the clerk
19 to hit the aid button.

20 At this point, I instructed my
21 probationary officer to stay with his prisoner, and I went
22 in to assist Ronald Bergmann. And when I went in,
23 Nicholas Gilbert was kicking very frantically. And so
24 at that point I just grabbed his legs and attempted to
25 keep him from kicking anyone.

1 And it was seconds later that Officer
2 Paul Wactor came in with some leg shackles. He placed
3 them on his legs. And that was the last contact I had
4 with Nicholas Gilbert. I left the cell area. And it was
5 -- as I was leaving, I heard Sergeant Bergmann say to
6 contact EMS. So I did get on the air and I requested the
7 dispatcher to have EMS sent to the Central Patrol
8 Division.

9 At that point, I did not know what EMS
10 was going to be needed for. I was, again, assuming that
11 it was for psychological issues, and that's what I told
12 dispatch. After I made that call, myself and my
13 probationary officer, we then left the cell and we had
14 no further contact with the individual.

15 LIEUTENANT ENGELHARDT: Who was your
16 probationary officer?

17 OFFICER KING: PPO Richard Eaves.

18 LIEUTENANT ENGELHARDT: Okay. And
19 what were you doing in the hold-over initially?

20 OFFICER KING: We were there on a arrest
21 on a subject who had bench warrants.

22 LIEUTENANT ENGELHARDT: Okay. Who was
23 that person?

24 OFFICER KING: I don't recall his name
25 offhand.

1 LIEUTENANT ENGELHARDT: Okay. And
2 what first drew your attention to Mr. -- I think his name
3 is Gilbert.

4 OFFICER KING: Nicholas Gilbert.

5 LIEUTENANT ENGELHARDT: Yes.

6 OFFICER KING: I had observed him
7 standing in the cell, reaching as though he was trying
8 to grab things that weren't there. He was reaching at
9 the door, but he wasn't actually grabbing the door. He
10 was just grabbing into the -- into midair like there was
11 something there he was trying to grab onto.

12 LIEUTENANT ENGELHARDT: Okay. And did
13 you find that behavior unusual?

14 OFFICER KING: Oh, yes.

15 LIEUTENANT ENGELHARDT: Okay. And did
16 you associate -- how did you perceive that behavior?
17 What did you think -- what did that behavior tell you about
18 that person?

19 OFFICER KING: At that point I thought
20 either he had psychological issues or that he may be under
21 the influence of some type of narcotic.

22 LIEUTENANT ENGELHARDT: Okay. And
23 then at some point did you -- what prompted you or other
24 officers to go back into the area where he was at?

25 OFFICER KING: I observed him placing a

1 article of clothing on the bars, wrapping it around the
2 bars, and then trying to -- well, he did; he wrapped it
3 around his neck and was trying to -- what I assume was
4 trying to hang himself.

5 LIEUTENANT ENGELHARDT: Okay. And did
6 you, in fact, go back there with other officers?

7 OFFICER KING: Yes.

8 LIEUTENANT ENGELHARDT: Okay. And did
9 PPO Eaves go back there as well?

10 OFFICER KING: He did. When I went back
11 there and I was holding his legs, I had instructed my
12 probationary officer to remain with his prisoner. While
13 I was holding his legs, I had looked up and I had seen
14 him coming to the cell doors. And I had instructed him
15 to go back to his prisoner, because I did not want his
16 prisoner to be left alone.

17 LIEUTENANT ENGELHARDT: Right.

18 OFFICER KING: And he did exactly that.
19 He had no contact with Nicholas Gilbert.

20 LIEUTENANT ENGELHARDT: No contact at
21 all?

22 OFFICER KING: No.

23 LIEUTENANT ENGELHARDT: Okay. Okay.
24 And so when you went back there, what did you observe other
25 officers doing and then -- and what did you do yourself?

1 OFFICER KING: The only thing I observed
2 was Sergeant Bergmann and there was other officers -- I
3 do not recall who was all in the cell; like I said, it
4 was pretty chaotic -- they were trying to keep him calm,
5 keep him still, keep him from fighting. He was
6 handcuffed. And he was kicking wildly. And so I just
7 grabbed his legs and tried to hold onto his legs to prevent
8 him from kicking anyone, until Paul Wactor came in and
9 put leg shackles on him.

10 LIEUTENANT ENGELHARDT: Okay. So
11 other than grabbing him -- his legs, did you have any other
12 contact with Mr. Gilbert?

13 OFFICER KING: No.

14 LIEUTENANT ENGELHARDT: Okay. And
15 were you there -- how long did you remain there after the
16 leg shackles were placed on?

17 OFFICER KING: Immediately after the
18 leg shackles went on, I left the cell. I had no -- I --
19 there was enough officers inside the cell at that point
20 I didn't feel that I was needed any longer.

21 LIEUTENANT ENGELHARDT: Okay. Did you
22 hear Mr. Gilbert saying anything or was he making any
23 noises?

24 OFFICER KING: I didn't hear him saying
25 anything --

1 LIEUTENANT ENGELHARDT: Okay.

2 OFFICER KING: -- or make any noises.

3 LIEUTENANT ENGELHARDT: All right.

4 And you said you observed these other officers in the cell

5 with him?

6 OFFICER KING: Yes.

7 LIEUTENANT ENGELHARDT: All right.

8 Did you observe any of these officers strike Mr. Gilbert?

9 OFFICER KING: No.

10 LIEUTENANT ENGELHARDT: Did you observe

11 any of these officers choke Mr. Gilbert or in any way

12 obstruct his airway?

13 OFFICER KING: No.

14 LIEUTENANT ENGELHARDT: Did you strike

15 Mr. Gilbert?

16 OFFICER KING: No.

17 LIEUTENANT ENGELHARDT: Did you in any

18 way choke Mr. Gilbert or in any way obstruct his airway?

19 OFFICER KING: No.

20 LIEUTENANT ENGELHARDT: Okay. And so

21 after the leg shackles were placed on, did his demeanor

22 change at all? When did his demeanor change -- or if it

23 changed?

24 OFFICER KING: I never -- I never even

25 saw the man's face. I don't know what he did after that.

1 Once they got the leg shackles on, like I said, I
2 immediately left the cell. I -- I don't know if he even
3 continued kicking.

4 LIEUTENANT ENGELHARDT: Okay. And
5 after you left the cell, where did you go? What did you
6 do?

7 OFFICER KING: I walked to the entrance
8 door that goes back out into the hold-over area, and
9 that's where, actually, I had got on the radio and
10 requested EMS. And that was it. Then me and my
11 probationary officer, we left the hold-over area to
12 continue to do the paperwork with -- for our prisoner.

13 LIEUTENANT ENGELHARDT: Okay. And is
14 there any -- Brian, do you have anything?

15 MR. MILLIKAN: I don't have anything.

16 LIEUTENANT ENGELHARDT: Is there
17 anything that I haven't asked you that you think would
18 be important to this investigation?

19 OFFICER KING: No. I don't think so.

20 LIEUTENANT ENGELHARDT: Is there
21 anything that you said that you wish to clarify or make
22 more clear?

23 OFFICER KING: No.

24 LIEUTENANT ENGELHARDT: Okay. All
25 right. That concludes the interview.

1 (WHEREIN, the interview was concluded.)
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1 CERTIFICATE OF NOTARY PUBLIC

2 STATE OF MISSOURI

3 I, Sherri L. Jolley, within and for
4 the State of Missouri, do hereby certify that the tape
5 transcription in the witness whose testimony appears in
6 the foregoing transcript in the caption hereof and
7 thereafter transcribed by me; that said transcript is a
8 record of the testimony given by said witness; that I am
9 neither counsel for, related to, nor employed by any
10 parties to the action; and further that I am not a relative
11 or employee of any counsel or attorney employee of any
12 counsel or attorney employed by the parties hereto, nor
13 financially or otherwise interested in the outcome of the
14 action.

15
16 

17
18 Sherri L. Jolley

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**ST. LOUIS METROPOLITAN POLICE DEPARTMENT
FORCE INVESTIGATION UNIT**

**IN RE:
COMPLAINT NUMBER: 15-062114**

**AUDIO TRANSCRIPTION OF
RECORDED INTERVIEW OF
ERICH VONNIDA**

DECEMBER 9, 2015

NATIONWIDE SCHEDULING

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1 ST. LOUIS METROPOLITAN POLICE DEPARTMENT
2 FORCE INVESTIGATION UNIT

3 IN RE:
4 COMPLAINT NUMBER: 15-062114

5 RECORDED INTERVIEW OF

6
7 ERICH VONNIDA

8
9 DECEMBER 9, 2015

10
11 12:47 A.M.

12

13 Due to the quality of the recorded media, portions were
14 unable to be transcribed. The transcript may also
15 include misinterpreted words. The transcriber was not
16 present at the time of the recording; therefore, this
17 transcript should not be considered verbatim.

17

18 AUDIO RECORDING WAS TRANSCRIBED BY:

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25

1 T R A N S C R I P T I O N

2 LIEUTENANT ENGELHARDT: I'm Lieutenant
3 Roger Engelhardt, DSN 3786, assigned to the Force
4 Investigation Unit. We are on the seventh floor of
5 police headquarters. It is December 9th. It is about
6 a.m. At this time I'd like everybody else in the
7 room to identify themselves.

12:45

8 MR. BRUNTRAGER: Neil Bruntrager,
9 attorney.

10 MR. TOWEY: Jim Towey, lawyer.

11 OFFICER VONNIDA: Police Officer Erich
12 Vonnida, DSN 8031, assigned to the Third District.

13 LIEUTENANT ENGELHARDT: Okay. I'd
14 like to talk to you about an incident which occurred
15 yesterday in the Central Patrol hold-over involving a
16 person by the name of Nicholas Gilbert. Are you familiar
17 with that incident?

18 OFFICER VONNIDA: Yes, I am.

19 LIEUTENANT ENGELHARDT: At this time,
20 I'd like you to tell me what you remember about that
21 incident, starting in the beginning. And I'll try not
22 to interrupt you. No one else will. We'll probably have
23 some questions for you when you're done.

24 OFFICER VONNIDA: Okay.

25 LIEUTENANT ENGELHARDT: So with that in

1 mind, go ahead and begin.

2 OFFICER VONNIDA: Shortly after roll
3 call, I was walking through the main corridor of the
4 Central Patrol station when the clerk put out over the
5 overhead intercom that there was an officer that needed
6 assistance in the hold-over. I started walking back
7 towards the hold-over, along with Officer Mack and
8 Officer Opal. As we were entering the hold-over area,
9 Officer Stuckey was walking out. He said, "Hey, some
10 guys need help back there." We walked back into the
11 hold-over, secured our firearms in the lockers, and
12 responded back to the cell area.

13 When I got back to the cell area, the
14 suspect was laying in the cell. He was handcuffed and
15 had leg shackles on. Officer Wactor, Sergeant Bergmann,
16 and Officer Cognasso were attempting to restrain him. He
17 had blood on his forehead from a -- it looked like a
18 laceration on his head. He was kind of thrashing around,
19 kicking about at the officers, was wriggling. The
20 officers were trying to, you know, order him to calm down,
21 relax, things of that nature.

22 Officer Mack and I both put on gloves
23 because of the blood. I handed gloves to a few more
24 officers. Then we just went about trying to restrain
25 him. When we first -- when I first came into the cell,

1 he had his head -- you know, he was kind of like laying
2 on the concrete bench, and we moved him down to the floor
3 area, as he continued to thrash about, afraid that he was
4 going to strike his head again.

5 As we laid him down on the ground,
6 Officer Wactor stepped out and Sergeant Bergmann stepped
7 out. I stepped in and kind of held his side in place.
8 We had him -- initially, he was laying not necessarily
9 fully on his stomach, but more so face-down. And then
10 after he stopped thrashing and kicking and shouting, we
11 turned him onto his left side, with his right side in the
12 air. So I held him kind of on the ground by his right
13 arm, which was skyward. Like I said, he was initially
14 very combative.

15 Once we got him on his side, he kind of
16 stopped. He was moaning, wasn't really saying anything
17 of value. You couldn't really make out what he was
18 saying. After a couple of minutes, it appeared that he'd
19 stopped breathing. Officer Wactor gave him a sternum
20 rub, and then he breathed out, so it appeared that he was
21 like holding his breath. He did that two or three times.

22 And then after he did that, another
23 couple minutes passed. And that's when it appeared that
24 he began to agonally breathe, kind of gasping for air,
25 kind of gurgling sound. At that time, we -- Officer Mack

1 felt for a pulse several times; was able to establish that
2 he had a pulse, but said it seemed rather faint. We were
3 unable to tell at that time if he continued to -- was
4 unable to tell if he was still breathing or not. So at
5 that time we took the handcuffs off of him, laid him out,
6 and began CPR.

7 LIEUTENANT ENGELHARDT: That's it?

8 OFFICER VONNIDA: As Wactor and Mack
9 were giving CPR, I ran and got the AED from the front desk
10 area, responded back to the cell with the AED and set it
11 up. That's it.

12 LIEUTENANT ENGELHARDT: Okay. So you
13 were in the hold-over when this thing began?

14 OFFICER VONNIDA: Not when the initial
15 scene -- only when asked for the officer in need of aid
16 -- or the officer needs assistance.

17 LIEUTENANT ENGELHARDT: Where were you?

18 OFFICER VONNIDA: I was in the -- or in
19 the station.

20 LIEUTENANT ENGELHARDT: In the station?

21 OFFICER VONNIDA: Yeah, in the main --
22 by the back desk area, basically, when she put on the
23 overhead that an officer needed assistance.

24 LIEUTENANT ENGELHARDT: Okay. And so
25 when you went back there, what was the first thing you

1 saw?

2 OFFICER VONNIDA: When I got back to the
3 actual cell area, I saw the subject was in handcuffs,
4 thrashing about, yelling, screaming at the officers,
5 trying to kick them.

6 LIEUTENANT ENGELHARDT: All right.
7 Did -- was he -- was there any other restraints on him?

8 OFFICER VONNIDA: He was in handcuffs
9 and leg shackles.

10 LIEUTENANT ENGELHARDT: Okay. And so
11 what actions did you take then?

12 OFFICER VONNIDA: I just kind of -- I
13 mean, I -- such tight quarters, I just kind of stood there
14 and observed while they were trying to restrain him.
15 There was really nowhere to maneuver to get in there to
16 help them, trying to restrain him at that point.

17 LIEUTENANT ENGELHARDT: Okay. And so
18 you were more or less an observer?

19 OFFICER VONNIDA: Yes.

20 LIEUTENANT ENGELHARDT: Okay. And at
21 some point did those officers get him under control?

22 OFFICER VONNIDA: Yes.

23 LIEUTENANT ENGELHARDT: Okay. And
24 what happened after that?

25 OFFICER VONNIDA: After they got him

1 under control, that's when I stepped in and grabbed his
2 arm to restrain him -- to continue to restrain him while
3 we waited for EMS to arrive.

4 LIEUTENANT ENGELHARDT: So he was still
5 -- he was still resisting and -- or he was still flailing?
6 Or what was he doing? Why did you have to grab him?

7 OFFICER VONNIDA: He was laying down, so
8 we were just kind of controlling him -- had him laid on
9 his side. We just kind of had our hands on him,
10 controlling him. We weren't like forcing him down into
11 the ground or anything like that.

12 LIEUTENANT ENGELHARDT: All right.

13 OFFICER VONNIDA: We were just holding
14 onto him in case he started flailing and kicking about
15 again.

16 LIEUTENANT ENGELHARDT: All right. So
17 he had stopped?

18 OFFICER VONNIDA: Yes.

19 LIEUTENANT ENGELHARDT: He had stopped.
20 So you place his -- your hands on him in case he started
21 again?

22 OFFICER VONNIDA: Correct.

23 LIEUTENANT ENGELHARDT: All right.
24 And at that time, you noticed or somebody noticed that
25 he wasn't breathing properly?

1 OFFICER VONNIDA: After -- well, like I
2 said, while we were waiting for EMS, he kept -- he would
3 mumble and then quit talking. So with that, we -- you
4 know -- so I don't know who it was. Somebody mentioned,
5 "Is he still breathing?" And then after like five or six
6 -- five or ten seconds he would breathe out again. Like,
7 it appeared like he was purposely trying to hold his
8 breath to make it look like he was not breathing.

9 LIEUTENANT ENGELHARDT: Okay. And did
10 you associate that with any type of condition?

11 OFFICER VONNIDA: At the time, no. I
12 thought he was --

13 LIEUTENANT ENGELHARDT: Okay. And so
14 how long after he stopped thrashing or flailing did you
15 notice that he was having a difficult time breathing?

16 OFFICER VONNIDA: A matter of minutes;
17 four to five minutes, maybe.

18 LIEUTENANT ENGELHARDT: Okay. And how
19 long after -- and so you said he was holding his breath
20 or -- what was he doing? How would you describe that
21 again?

22 OFFICER VONNIDA: It appeared that he
23 was taking a deep breath and then breathing it out as
24 though he was trying to make it appear that -- initially
25 that he wasn't breathing.

1 LIEUTENANT ENGELHARDT: Okay. Okay.

2 So --

3 OFFICER VONNIDA: Typical with agonal
4 breathing.

5 LIEUTENANT ENGELHARDT: Okay. Okay.

6 And so what happened next? How did -- how did you react
7 to this -- what did you call that?

8 OFFICER VONNIDA: Agonal breathing.

9 LIEUTENANT ENGELHARDT: How did you --
10 what did you do -- what actions did you take and what
11 actions did other officers take?

12 OFFICER VONNIDA: Once we determined
13 that he was having difficulty breathing, that's when we
14 rendered first aid.

15 LIEUTENANT ENGELHARDT: Okay. And
16 when you say rendered first aid, that took the form of
17 what?

18 OFFICER VONNIDA: We began CPR.

19 LIEUTENANT ENGELHARDT: Okay. And was
20 he handcuffed while you were doing CPR?

21 OFFICER VONNIDA: No.

22 LIEUTENANT ENGELHARDT: Okay. So did
23 you un-handcuff him or did somebody un-handcuff him?

24 OFFICER VONNIDA: I un-handcuffed him.

25 LIEUTENANT ENGELHARDT: Okay. And so

1 you're performing CPR. How long was CPR rendered to this
2 person?

3 OFFICER VONNIDA: I believe they gave
4 CPR for approximately two minutes. That's -- at that
5 time is when I -- when -- after they first started CPR,
6 I ran out and grabbed the AED.

7 LIEUTENANT ENGELHARDT: Okay.

8 OFFICER VONNIDA: And then once I
9 grabbed the AED from the front desk area, I responded back
10 to the cell and opened it up and took the components out
11 for Officer Wactor to place the pads on him.

12 LIEUTENANT ENGELHARDT: So they were
13 still performing CPR then?

14 OFFICER VONNIDA: Correct.

15 LIEUTENANT ENGELHARDT: Okay. And how
16 long did they perform CPR and render aid to him?

17 OFFICER VONNIDA: I'm not sure of the
18 exact time, but it was probably five minutes, at least.

19 LIEUTENANT ENGELHARDT: Okay. What
20 event finally -- why did they stop?

21 OFFICER VONNIDA: The fire department
22 arrived.

23 LIEUTENANT ENGELHARDT: Okay. Do you
24 guys have anything?

25 MR. BRUNTRAGER: No.

1 MR. TOWEY: No. Again, it was
2 succinct. It was excellent.

3 LIEUTENANT ENGELHARDT: Do you have
4 anything to clarify?

5 OFFICER VONNIDA: No.

6 LIEUTENANT ENGELHARDT: It's 12:55 a.m.

7 (WHEREIN, the interview was concluded.)
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1 CERTIFICATE OF NOTARY PUBLIC
2 STATE OF MISSOURI
3 I, Sherri L. Jolley, within and for
4 the State of Missouri, do hereby certify that the tape
5 transcription in the witness whose testimony appears in
6 the foregoing transcript in the caption hereof and
7 thereafter transcribed by me; that said transcript is a
8 record of the testimony given by said witness; that I am
9 neither counsel for, related to, nor employed by any
10 parties to the action; and further that I am not a relative
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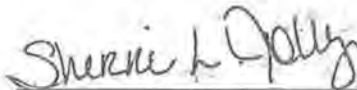
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Sherri L. Jolley

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ORIGINAL

ST. LOUIS METROPOLITAN POLICE DEPARTMENT
FORCE INVESTIGATION UNIT

IN RE:
COMPLAINT NUMBER: 15-062114

AUDIO TRANSCRIPTION OF
RECORDED INTERVIEW OF
KYLE MACK

DECEMBER 9, 2015

NATIONWIDE SCHEDULING

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AUDIO TRANSCRIPTION OF KYLE MACK

Page 1

1 ST. LOUIS METROPOLITAN POLICE DEPARTMENT
2 FORCE INVESTIGATION UNIT

3 IN RE:
4 COMPLAINT NUMBER: 15-062114

5 RECORDED INTERVIEW OF

6
7 KYLE MACK

8
9 DECEMBER 9, 2015

10
11 12:35 A.M.

12
13
14 Due to the quality of the recorded media, portions were
15 unable to be transcribed. The transcript may also
16 include misinterpreted words. The transcriber was not
17 present at the time of the recording; therefore, this
18 transcript should not be considered verbatim.

19
20 AUDIO RECORDING WAS TRANSCRIBED BY:

21 Sherri L. Jolley
22 Midwest Litigation Services
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24 St. Louis, Missouri 63101
25 (314) 644-2191

1 T R A N S C R I P T I O N

2 LIEUTENANT ENGELHARDT: I'm Lieutenant
3 Roger Engelhardt, DSN 3786 of the Force Investigation
4 Unit. We are on the seventh floor of police
5 headquarters. It is December 9th. It is 12:35 a.m. At
6 this time I'd like everybody in the room to identify
7 themselves.

8 MR. TOWEY: Jim Towey, attorney.

9 MR. BRUNTRAGER: Neil Bruntrager,
10 lawyer.

11 OFFICER MACK: Police Officer Kyle
12 Mack, DSN 7986.

13 LIEUTENANT ENGELHARDT: Where are you
14 assigned?

15 OFFICER MACK: District 3.

16 LIEUTENANT ENGELHARDT: Great. Okay.
17 What I'd like to talk to you about is an incident which
18 occurred in the Central Patrol hold-over yesterday
19 involving a person by the name of Nicholas Gilbert. Are
20 you familiar with that incident?

21 OFFICER MACK: I am.

22 LIEUTENANT ENGELHARDT: And at this
23 time I'd like you to tell me what you recall about that
24 incident, starting in the beginning, wherever you
25 consider the beginning to be. And I'll try not to

1 interrupt you. At the end I'll probably have some
2 questions for you. So with that in mind, go ahead and
3 begin.

4 OFFICER MACK: I was in the Central
5 Patrol Division's report writing room when a broadcast
6 went -- over the PA system was broadcast "assistance
7 needed in the hold-over." Obviously, thinking this was
8 very suspicious I began to walk towards the hold-over,
9 when I noticed Officer Joseph Stuckey in the hallway,
10 shouting "We need help back here." I ran back into the
11 hold-over, where I noticed a large crowd was already
12 gathered in Cell Number 4.

13 I went further to investigate and I
14 observed several officers around a subject on the bench
15 in the cell, attempting to restrain him. I noticed that
16 he was handcuffed and he had leg shackles on, but he was
17 continuing to struggle against the officers involved.

18 I briefly stopped to place my leather
19 gloves on as I noticed there was blood on the wall and
20 blood pooling around this individual's head. I asked if
21 anybody needed my assistant. Officer Degregorio
22 indicated that he needed me to take his place on the
23 suspect's upper left shoulder. As he backed away I did
24 so, when another officer said, "We need to get this person
25 on the ground," because he was continuing to struggle on

1 the bench, creating an unsafe situation there.

2 I assisted with moving the subject to the
3 ground, continued to hold him as he thrashed and pulled
4 against his restraints, attempting rise against officers
5 there. Once the subject stopped resisting against the
6 officers, we rolled him onto his side.

7 As he was on his side, I noticed he was
8 having very erratic breathing, similar to agonal
9 breathing. This happened at least three times over the
10 course of about 30 to 60 seconds. Believing that this
11 subject was having some sort of medical problem, Sergeant
12 Bergmann requested EMS through the radio dispatch
13 channel. While he was doing so, I attempted to feel for
14 a pulse on the subject's neck artery. At the time I did
15 feel a pulse, but his breathing continued to be erratic
16 with signs of agonal breathing.

17 Realizing that he no longer was a threat,
18 Officer Wactor and I removed the handcuffs from the
19 suspect's hands in order to further evaluate him. We
20 placed him on his back and we noticed that he was no longer
21 clearly breathing. I then removed my glove in order to
22 feel for a pulse on his neck. I felt a very faint pulse
23 there and no pulse on his wrist. We informed Sergeant
24 Bergmann of this development, and he informed the medical
25 -- I'm sorry -- the medics of the increased dire

1 situation.

2 After approximately 30 seconds, I felt
3 for the pulse again. I realized that at the moment I
4 could not feel a pulse or it was a very minor pulse.
5 Officer Wactor requested an AED to be delivered. While
6 that was -- while we were waiting for that to arrive,
7 Officer Wactor started chest compressions. After
8 approximately 30 compressions, I took over, and I
9 continued chest compressions as Wactor attempted to use
10 the advanced emergency defibrillator that was delivered.

11 After doing so, Officer Wactor continued
12 to do emergency rescue breathing as I did chest
13 compressions, for approximately four to six minutes,
14 until emergency medical personnel arrived, at which point
15 I gave up the chest compressions to EMS and withdrew from
16 the scene.

17 LIEUTENANT ENGELHARDT: Okay. So
18 where were you at when you first became aware that there
19 was something going on in the hold-over?

20 OFFICER MACK: I was in the main report
21 writing room at the Central Patrol Division.

22 LIEUTENANT ENGELHARDT: Okay. And
23 upon you first entered the hold-over area, what was the
24 first thing you observed?

25 OFFICER MACK: A large mass of officers

1 in the fourth holding cell.

2 LIEUTENANT ENGELHARDT: And what were
3 those officers doing?

4 OFFICER MACK: I could not see from that
5 exact angle, until I got closer. Once I got through the
6 main hold-over door, I could see that they were still
7 struggling with an individual on the bench, who was
8 pulling against his restraints.

9 LIEUTENANT ENGELHARDT: Okay. So he
10 was already in restraints. Can you describe those
11 restraints?

12 OFFICER MACK: That is correct. He had
13 a standard-issue pair of handcuffs on his arms and hands,
14 and then a pair of leg shackles on his legs.

15 LIEUTENANT ENGELHARDT: Okay. And so
16 how was he resisting while he was in those restraints?

17 OFFICER MACK: He continued to attempt
18 to rise to his knees as the officers were telling him to
19 stop resisting and lie flat, attempting to at least gain
20 some sort of elevation in order to push against them. He
21 continually thrashed his head back and forth, and
22 appeared to try to get his feet in front of him in order
23 to stand.

24 LIEUTENANT ENGELHARDT: Did you take
25 any actions yourself to try to control or get him to stop

1 resisting?

2 OFFICER MACK: After Officer Degregorio
3 needed assistance, I took his place at the front left
4 shoulder, but I did not press against him. That was just
5 to stabilize him as he attempted to thrash about.

6 LIEUTENANT ENGELHARDT: Okay. So you
7 placed your hands on his shoulder?

8 OFFICER MACK: Yes. I placed my hands
9 on his front left shoulder.

10 LIEUTENANT ENGELHARDT: Okay. And how
11 were you controlling him by placing your hands on his left
12 front shoulder?

13 OFFICER MACK: As he continued to thrash
14 his shoulders back and forth, all I did was hold his
15 shoulders more or less in a stable position so he could
16 not hit his head against the side of the bench.

17 LIEUTENANT ENGELHARDT: Okay. Was he
18 -- what position was he in? Was he kneeling down? Was
19 he lying down? Or was he standing up?

20 OFFICER MACK: At this point he was
21 prone, face-down.

22 LIEUTENANT ENGELHARDT: He was -- okay.
23 So you were holding his shoulder against the ground?

24 OFFICER MACK: Yes.

25 LIEUTENANT ENGELHARDT: Or against the

1 floor?

2 OFFICER MACK: Correct.

3 LIEUTENANT ENGELHARDT: Okay. All
4 right. And at some point he stops resisting or --

5 OFFICER MACK: Yes.

6 LIEUTENANT ENGELHARDT: -- kicking or
7 flailing or whatever you're describing?

8 OFFICER MACK: It was approximately 20
9 seconds after I took over Officer Degregorio's position
10 that he stopped flailing.

11 LIEUTENANT ENGELHARDT: Okay. And
12 what -- do you have any -- so after he stopped flailing,
13 what did you do next?

14 OFFICER MACK: That's when we moved him
15 onto his side, to check his status due to the bleeding
16 coming from his head and to check his breathing.

17 LIEUTENANT ENGELHARDT: Okay. And why
18 would you check his breathing?

19 OFFICER MACK: At that point he was
20 continuing to breath very peculiarly. It was a series
21 -- three in total -- of rapid deep, deep breaths, similar
22 to what is commonly called agonal breathing.

23 LIEUTENANT ENGELHARDT: Okay. And
24 you've mentioned agonal breathing several times --

25 OFFICER MACK: Yes.

1 LIEUTENANT ENGELHARDT: -- in this
2 interview. Could you define what agonal breathing means
3 to you?

4 OFFICER MACK: Yes. From my CPR
5 training, it is a medical condition in which the body is
6 still trying to breathe, but no oxygen is actually being
7 delivered from the lungs into the bloodstream. So it has
8 the appearance of breathing, but the person is more or
9 less suffocating.

10 LIEUTENANT ENGELHARDT: And where did
11 you receive this training?

12 OFFICER MACK: I received this through
13 the police -- (indiscernible) police academy.

14 LIEUTENANT ENGELHARDT: Okay. And you
15 mentioned it was CPR training.

16 OFFICER MACK: Correct.

17 LIEUTENANT ENGELHARDT: Okay. And so
18 you received this training in the police -- St. Louis
19 Police Academy?

20 OFFICER MACK: I did.

21 LIEUTENANT ENGELHARDT: Or is that
22 since you've been --

23 OFFICER MACK: No. That was in 2008,
24 when I went through the academy.

25 LIEUTENANT ENGELHARDT: Have you

1 received any subsequent training in CPR or in rendering
2 aid to a injured prisoner?

3 OFFICER MACK: I have responded to the
4 standard continuing education training offered by and
5 required by this department.

6 LIEUTENANT ENGELHARDT: Okay. All
7 right. So at -- who -- who was rendering aid to him, once
8 you discovered that he was having this -- what did you
9 call that breathing?

10 OFFICER MACK: Agonal breathing. That
11 would be Officer Paul Wactor and myself.

12 LIEUTENANT ENGELHARDT: Okay. And so
13 how were you guys rendering -- how were Officer Wactor
14 and yourself, or whoever, rendering aid to this person?

15 OFFICER MACK: Standard chest
16 compressions. Initially, it was chest compressions
17 only. There was a considerable amount of blood near his
18 mouth, so mouth-to-mouth was not used until we received
19 a valve -- breath mask valve.

20 LIEUTENANT ENGELHARDT: Okay. And how
21 long did you render this aid?

22 OFFICER MACK: I cannot be exactly
23 certain about the time. I would estimate from four to
24 six minutes.

25 LIEUTENANT ENGELHARDT: Okay. And why

1 did you stop?

2 OFFICER MACK: We stopped because EMS
3 personnel arrived. And due to their training being more
4 advanced than mine, I let them take over my spot.

5 LIEUTENANT ENGELHARDT: Okay. Do you
6 guys have anything?

7 MR. TOWEY: That might be the interview
8 I've ever heard.

9 MR. BRUNTRAGER: Ditto.

10 LIEUTENANT ENGELHARDT: Okay. It is
11 12:44.

12 (WHEREIN, the interview was concluded.)

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CERTIFICATE OF NOTARY PUBLIC

STATE OF MISSOURI

I, Sherri L. Jolley, within and for
the State of Missouri, do hereby certify that the tape
transcription in the witness whose testimony appears in
the foregoing transcript in the caption hereof and
thereafter transcribed by me; that said transcript is a
record of the testimony given by said witness; that I am
neither counsel for, related to, nor employed by any
parties to the action; and further that I am not a relative
or employee of any counsel or attorney employee of any
counsel or attorney employed by the parties hereto, nor
financially or otherwise interested in the outcome of the
action.



Sherri L. Jolley

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ORIGINAL

**ST. LOUIS METROPOLITAN POLICE DEPARTMENT
FORCE INVESTIGATION UNIT**

**IN RE:
COMPLAINT NUMBER: 15-062114**

**AUDIO TRANSCRIPTION OF
RECORDED INTERVIEW OF
ZACHARY OPAL**

DECEMBER 9, 2015

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2 FORCE INVESTIGATION UNIT

3 IN RE:
4 COMPLAINT NUMBER: 15-062114

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RECORDED INTERVIEW OF

ZACHARY OPAL

DECEMBER 9, 2015

12:24 A.M.

Due to the quality of the recorded media, portions were
unable to be transcribed. The transcript may also
include misinterpreted words. The transcriber was not
present at the time of the recording; therefore, this
transcript should not be considered verbatim.

AUDIO RECORDING WAS TRANSCRIBED BY:

Sherri L. Jolley

Midwest Litigation Services

711 North Eleventh Street

St. Louis, Missouri 63101

(314) 644-2191

1 T R A N S C R I P T I O N

2 LIEUTENANT ENGELHARDT: I'm Lieutenant
3 Engelhardt -- Roger Engehardt, DSN 3786. I'm with the
4 Force Investigation Unit. We are on the seventh floor
5 of police headquarters. It is December 9th. It is 12:24
6 a.m. At this time I'd like everybody else in the room
7 to identify themselves.

8 MR. TOWEY: Jim Towey, attorney.

9 MR. BRUNTRAGER: Neil Bruntrager,
10 attorney.

11 OFFICER OPAL: Zach Opal, police
12 officer.

13 LIEUTENANT ENGELHARDT: Officer Opal,
14 what's your DSN?

15 OFFICER OPAL: 11017.

16 LIEUTENANT ENGELHARDT: And where are
17 you currently assigned?

18 OFFICER OPAL: District 3.

19 LIEUTENANT ENGELHARDT: Okay. I want
20 to talk to you about an incident which occurred yesterday
21 in the Central Patrol hold-over. It involved a person
22 by the name of Nicholas Gilbert. Are you familiar with
23 that incident?

24 OFFICER OPAL: Yes, sir.

25 LIEUTENANT ENGELHARDT: Okay. I'd

1 like you to tell me what you recall about an incident,
2 starting at the beginning. I won't interrupt you. When
3 you're done, I'll probably have some questions for you.
4 So with that in mind, go ahead and tell me what you recall.

5 OFFICER OPAL: I was in the report
6 writing room. Over the intercom a officer -- it was an
7 officer in need of aid. It was -- a assist officer came
8 out over the intercom. I responded to the hold-over. I
9 locked my firearm up. And then I went to the cell area.
10 Once I responded to the cell area, I
11 observed several officers restraining a subject.
12 Sergeant Bergmann was on the right side of him. And he
13 asked me to take control of the subject on the right side.
14 So he moved away and I took control of the subject on the
15 right side. I held the subject on his right side. He
16 was flailing, yelling. We held him -- or I held him on
17 -- I was controlling his right side.

18 And then when he stopped flailing and
19 yelling, we kind of backed off a little bit. And his
20 breathing was -- somebody noticed -- said something about
21 his breathing. After the resisting ceased, we kind of
22 -- we rolled him over on his side, and he was -- we thought
23 he was holding his breath. He (sound effects), you know.
24 And he let out -- you know, but he -- it appeared that
25 he was holding his breath.

AUDIO TRANSCRIPTION OF ZACHARY OPAL

Page 4

1 And we kept on asking him -- you know,
2 trying to talk to him. He was only -- he was unresponsive
3 at that point. He was already on his side. I don't know
4 which officer un-cuffed him, and they started doing CPR.
5 An AED was retrieved and the AED was hooked up to him.
6 That's it.

7 LIEUTENANT ENGELHARDT: Okay. So you
8 weren't in the hold-over prior to this --

9 OFFICER OPAL: No, sir.

10 LIEUTENANT ENGELHARDT: -- when this
11 thing began?

12 OFFICER OPAL: No, sir.

13 LIEUTENANT ENGELHARDT: Right? And at
14 some point somebody came and notified you there was
15 something going on in the hold-over?

16 OFFICER OPAL: If I remember correctly,
17 I believe it was -- it came over the intercom that --
18 assistance needed in the hold-over.

19 LIEUTENANT ENGELHARDT: Okay. And so
20 you immediately went to the hold-over?

21 OFFICER OPAL: Yes, sir.

22 LIEUTENANT ENGELHARDT: All right.
23 And as soon as you entered the hold-over what did you see?

24 OFFICER OPAL: I seen officers
25 restraining the subject. He was in handcuffs. He was

1 flailing. He was moving his legs, screaming, kind of
2 just rapidly moving his body. And they were trying to,
3 you know, hold him to where he, you know -- from what
4 I could see was he was, you know, attempting to hurt
5 himself, is why there -- you know, that's why they were
6 holding him like they were, you know, just kind of trying
7 to make sure he's not flailing and trying to hit anybody
8 or hurt himself.

9 LIEUTENANT ENGELHARDT: Okay. And was
10 he handcuffed at that time, when you first saw him?

11 OFFICER OPAL: Yes, sir.

12 LIEUTENANT ENGELHARDT: Did he have leg
13 irons on at that time --

14 OFFICER OPAL: Yes, sir.

15 LIEUTENANT ENGELHARDT: -- when you
16 first saw him? Was he saying anything?

17 OFFICER OPAL: I did hear -- he was --
18 the only thing I heard him say was something along the
19 lines of screaming about a disease.

20 LIEUTENANT ENGELHARDT: A disease?

21 OFFICER OPAL: Yes.

22 LIEUTENANT ENGELHARDT: He was
23 screaming about a disease?

24 OFFICER OPAL: Yes. I don't know -- all
25 I heard was disease. And, of course, there being blood

1 everywhere, everybody was kind of, you know, hesitant,
2 you know. We didn't know what was going on. He just kept
3 screaming, you know, something about a disease, disease.
4 And then he kept on flailing his body.

5 LIEUTENANT ENGELHARDT: Okay. So he
6 was saying something and you think one of the words was
7 disease?

8 OFFICER OPAL: Yes, sir.

9 LIEUTENANT ENGELHARDT: Was he saying
10 other things that you could understand?

11 OFFICER OPAL: No. No, sir.

12 LIEUTENANT ENGELHARDT: He just kept
13 saying disease?

14 OFFICER OPAL: He only said it one --
15 something about a disease, is the only thing I heard him
16 say. He was --

17 LIEUTENANT ENGELHARDT: Okay. And you
18 said at some point you noticed something about his
19 breathing?

20 OFFICER OPAL: Somebody -- one of the
21 officers said something about his breathing, that -- you
22 know, because he would hold his breath. He was -- well,
23 we assumed he was holding his breath. And then at that
24 -- I mean, this is -- at this point, he's -- stopped
25 flailing. He was on his side. And that's when we

1 absolutely noticed something was, you know, going on,
2 because he'd hold his breath and stop. Well, then --

3 LIEUTENANT ENGELHARDT: Okay. And
4 then what happened?

5 OFFICER OPAL: After him being on his
6 side and holding the breath -- or we assumed he was holding
7 his breath, we noticed that his breathing became shallow.
8 (indiscernible) checking his pulse, because he wasn't
9 responsive. And at that point the other officers in the
10 cell un-handcuffed him. And then Officer Wactor started
11 doing chest compressions. And another officer retrieved
12 an AED, and they hooked that up to him.

13 LIEUTENANT ENGELHARDT: Okay. And so
14 can you associate when he -- when he stopped flailing,
15 when he stopped kicking to when somebody noticed that he
16 was -- he wasn't breathing properly? Was it immediate
17 or was it -- or -- if you can kind of put that in some
18 kind of context for me.

19 OFFICER OPAL: I would say it was
20 immediate. I mean --

21 LIEUTENANT ENGELHARDT: Okay.

22 OFFICER OPAL: -- as soon as we noticed
23 he wasn't breathing properly. I mean, he was already on
24 -- he stopped the -- he stopped the flailing, stopped the
25 resisting. We moved him onto his side, you know, because

1 we didn't -- and once he was on his side is when we, you
2 know -- he was still breathing, and that's when he started
3 -- you know, we started noticing --

4 LIEUTENANT ENGELHARDT: Okay.

5 OFFICER OPAL: -- the complications.

6 LIEUTENANT ENGELHARDT: So it was
7 rather sudden, then?

8 OFFICER OPAL: Yes, sir.

9 LIEUTENANT ENGELHARDT: Okay. And
10 then somebody started giving him some kind of aid?

11 OFFICER OPAL: Yes, sir. As soon as we
12 noticed that -- the handcuffs were taken off. Officer
13 Wactor and Mack was doing first aid. They were -- chest
14 compressions.

15 LIEUTENANT ENGELHARDT: Okay. And how
16 long did they do that?

17 OFFICER OPAL: It seemed -- it seemed --
18 ten minutes. I mean, it seemed like a long time. I
19 really don't know, sir.

20 LIEUTENANT ENGELHARDT: Okay. Was
21 there some kind of event or some kind of reason which
22 caused him to stop?

23 OFFICER OPAL: Only -- when they stopped
24 is when EMS resumed CPR.

25 LIEUTENANT ENGELHARDT: Okay. So they

AUDIO TRANSCRIPTION OF ZACHARY OPAL

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1 were rendering him aid until EMS arrived?

2 OFFICER OPAL: Yes, sir.

3 LIEUTENANT ENGELHARDT: Okay. That's
4 it. Do you have anything?

5 MR. TOWEY: (No verbal response).

6 LIEUTENANT ENGELHARDT: It is 12:31.

7 (WHEREIN, the interview was concluded,)

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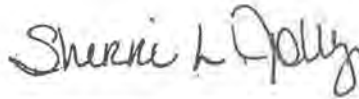
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CERTIFICATE OF NOTARY PUBLIC

STATE OF MISSOURI

I, Sherri L. Jolley, within and for
the State of Missouri, do hereby certify that the tape
transcription in the witness whose testimony appears in
the foregoing transcript in the caption hereof and
thereafter transcribed by me; that said transcript is a
record of the testimony given by said witness; that I am
neither counsel for, related to, nor employed by any
parties to the action; and further that I am not a relative
or employee of any counsel or attorney employee of any
counsel or attorney employed by the parties hereto, nor
financially or otherwise interested in the outcome of the
action.



Sherri L. Jolley

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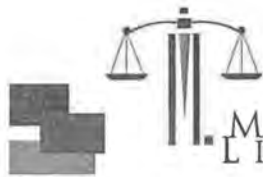
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ST. LOUIS METROPOLITAN POLICE DEPARTMENT
FORCE INVESTIGATION UNIT

IN RE:
COMPLAINT NUMBER: 15-062114

AUDIO TRANSCRIPTION OF
RECORDED INTERVIEW OF
MICHAEL COGNASSO

DECEMBER 9, 2015

NATIONWIDE SCHEDULING

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1 ST. LOUIS METROPOLITAN POLICE DEPARTMENT
2 FORCE INVESTIGATION UNIT

3 IN RE:
4 COMPLAINT NUMBER: 15-062114

5
6 RECORDED INTERVIEW OF

7
8 MICHAEL COGNASSO

9
10 DECEMBER 9, 2015

11
12 12:14 A.M.

13
14 Due to the quality of the recorded media, portions were
15 unable to be transcribed. The transcript may also
16 include misinterpreted words. The transcriber was not
17 present at the time of the recording; therefore, this
18 transcript should not be considered verbatim.

19
20 AUDIO RECORDING WAS TRANSCRIBED BY:

21 Sherri L. Jolley
22 Midwest Litigation Services
23 711 North Eleventh Street
24 St. Louis, Missouri 63101
25 (314) 644-2191

1 T R A N S C R I P T I O N

2 LIEUTENANT ENGELHARDT: I'm Lieutenant
3 Roger Engelhardt, St. Louis Police Department, DSN 3786.
4 We're on the seventh floor of police headquarters. It
5 is now December 9th, at 12:14 in the a.m. At this time
6 I'd like everyone to identify themselves.

7 MR. TOWEY: Jim Towey, attorney.

8 SP4: Neil Bruntrager, attorney.

9 OFFICER CAGNASSO: Officer Cagnasso.

10 LIEUTENANT ENGELHARDT: Officer
11 Cagnasso, what's your DSN?

12 OFFICER CAGNASSO: 5616.

13 LIEUTENANT ENGELHARDT: And where are
14 you assigned?

15 OFFICER CAGNASSO: District 3.

16 LIEUTENANT ENGELHARDT: Great. Okay.
17 I want to talk to you about an incident which occurred
18 yesterday at the Central Patrol hold-over. It involved
19 a person by the name of Nicholas Gilbert. Are you
20 familiar with that incident?

21 OFFICER CAGNASSO: Yes, sir.

22 LIEUTENANT ENGELHARDT: Okay. At this
23 time I'd like you to tell me what you recall about that
24 incident, starting at the beginning, and -- wherever you
25 consider the beginning to be. And just tell me what you

1 recall. I will not interrupt you. Neither will anybody
2 else, until you're done. And then we'll probably have
3 some questions for you. Okay?

4 OFFICER CAGNASSO: Yes, sir.

5 LIEUTENANT ENGELHARDT: Okay. Go
6 ahead.

7 OFFICER CAGNASSO: I was standing at the
8 rear of the desk at the Central Patrol station when
9 Officer Stuckey came out, stated that they needed
10 assistance in the hold-over. I responded to the
11 hold-over.

12 I observed Sergeant Bergmann and I do not
13 recall the other officers attempt -- fighting with this
14 individual. He was refusing to cooperate. He was on the
15 ground. I -- he -- the individual was kicking, refusing
16 to cooperate.

17 I placed my knees on his -- the back
18 portion of his legs to stop him from kicking the other
19 officers. And shortly after I heard somebody say he was
20 cooperating; they had him turned over to his -- I do not
21 know which side. And after that his movements ceased.

22 I exited, because there was other
23 officers in there. And I heard Ryan Bergmann say on the
24 radio that they needed an ambulance to respond. I went
25 -- I exited the station and I waited for EMS.

1 LIEUTENANT ENGELHARDT: That's it?

2 OFFICER CAGNASSO: That's it.

3 LIEUTENANT ENGELHARDT: All right. So
4 when this whole thing began, you weren't in the hold-over?

5 OFFICER CAGNASSO: No, sir.

6 LIEUTENANT ENGELHARDT: Where were you
7 at?

8 OFFICER CAGNASSO: I was in the rear of
9 Central Patrol, at the desk.

10 LIEUTENANT ENGELHARDT: Okay. Not in
11 the hold-over, but --

12 OFFICER CAGNASSO: No, sir.

13 LIEUTENANT ENGELHARDT: -- at the desk,
14 right?

15 OFFICER CAGNASSO: Yes, sir.

16 LIEUTENANT ENGELHARDT: Okay. And
17 somebody told you there was something going on in the
18 hold-over?

19 OFFICER CAGNASSO: Officer Stuckey came
20 out of the hold-over and said they needed assistance in
21 the hold-over.

22 LIEUTENANT ENGELHARDT: Okay. And
23 then you immediately went into the hold-over?

24 OFFICER CAGNASSO: Yes, sir.

25 LIEUTENANT ENGELHARDT: Okay. And

1 what was the first thing you saw?

2 OFFICER CAGNASSO: There was
3 approximately four people in the cell. I observed a
4 booking clerk at her station. I asked her to unlock the
5 door so I could go to the cell. At that time I saw a couple
6 officers. And I -- Ron -- or Sergeant Bergmann and the
7 individual was -- was putting up a struggling. He wasn't
8 cooperating with the other officers. I heard a couple
9 officers say, "Stop resisting."

10 I saw the individual's feet that were
11 shackled moving around, kicking. Again, I placed my
12 knees on his -- rear part of his legs to cease the kicking.
13 And shortly after the kicking stopped. The individual
14 was turned to his side. I, again, heard Sergeant
15 Bergmann request an ambulance on the radio. I advised
16 Sergeant Bergmann I was going to go wait outside and wait
17 for the ambulance.

18 LIEUTENANT ENGELHARDT: Okay. So when
19 you went into the hold-over, at that point, was he already
20 handcuffed?

21 OFFICER CAGNASSO: Yes, sir.

22 LIEUTENANT ENGELHARDT: And at that
23 point was his ankles or legs shackled?

24 OFFICER CAGNASSO: Yes, sir.

25 LIEUTENANT ENGELHARDT: Okay. And

1 shackled we're talking about using leg irons or --

2 OFFICER CAGNASSO: Yes, sir.

3 LIEUTENANT ENGELHARDT: Okay. So that
4 -- he was in that condition. All right. But you said
5 he was refusing to cooperate. Can you define that
6 better?

7 OFFICER CAGNASSO: He was continuously
8 moving back and forth. He was fighting the officers from
9 allowing them to gain control of the situation. And,
10 again, like I stated, he was kicking his legs back and
11 forth, struck a couple of the officers; at one time struck
12 my legs -- my lower portion of the legs. That's when I
13 went down on his legs to cease the movement.

14 LIEUTENANT ENGELHARDT: Okay. Was he
15 saying anything? Did you hear him say anything?

16 OFFICER CAGNASSO: I do not recall.

17 LIEUTENANT ENGELHARDT: All right.
18 But you heard officers giving him commands to stop doing
19 that, right?

20 OFFICER CAGNASSO: Yes, sir.

21 LIEUTENANT ENGELHARDT: Stop
22 resisting?

23 OFFICER CAGNASSO: Stop resisting.

24 LIEUTENANT ENGELHARDT: All right.

25 Were they giving him any other commands?

1 OFFICER CAGNASSO: Pretty much "stop
2 moving." I do not recall all the commands.

3 LIEUTENANT ENGELHARDT: All right.
4 And at some point you decided that your help wasn't --
5 was no longer necessary?

6 OFFICER CAGNASSO: Correct.

7 LIEUTENANT ENGELHARDT: All right.
8 And what was that point?

9 OFFICER CAGNASSO: When the individual
10 stopped moving. He wasn't appearing to have any type of
11 -- wasn't combative or fighting the other officers.

12 LIEUTENANT ENGELHARDT: All right.
13 And where were you at, then, when that happened?

14 OFFICER CAGNASSO: I -- when he -- the
15 combativeness stopped, I was on his -- at his legs. I
16 immediately stood up, went to the gate -- or the door of
17 the cell where the sergeant was. I heard him getting on
18 the air asking -- requesting for an ambulance.

19 LIEUTENANT ENGELHARDT: Okay. And
20 then is that when you went outside?

21 OFFICER CAGNASSO: I exited the
22 building and waited for the fire truck to get there and
23 an ambulance.

24 LIEUTENANT ENGELHARDT: Okay. So do
25 you have any -- do you know why Sergeant Bergmann

1 requested an ambulance?

2 OFFICER CAGNASSO: I was not aware.

3 No.

4 LIEUTENANT ENGELHARDT: You're aware
5 now, but you weren't aware at the time?

6 OFFICER CAGNASSO: Right. Correct.

7 LIEUTENANT ENGELHARDT: Okay. And you
8 said you made contact with him by controlling his legs.
9 How --

10 OFFICER CAGNASSO: Yes, sir.

11 LIEUTENANT ENGELHARDT: How, exactly,
12 did you do that?

13 OFFICER CAGNASSO: His legs were
14 shackled. They were close together by -- maybe a foot
15 length apart. However, he was kicking his feet up and
16 down, moving them side to side. And I placed my two knees
17 on the back portion of his two calves in an attempt to
18 cease him from moving and kicking other officers.

19 LIEUTENANT ENGELHARDT: Okay. And did
20 that -- was that successful? Did he stop, then?

21 OFFICER CAGNASSO: No. He was
22 continuing to resist. I then put my hands on the back
23 of his legs to gain balance off of him so he -- I would
24 not lose control of his legs.

25 LIEUTENANT ENGELHARDT: Okay. And at

1 some point did he stop kicking?

2 OFFICER CAGNASSO: Yes, sir.

3 LIEUTENANT ENGELHARDT: Okay. And
4 then what did you do?

5 OFFICER CAGNASSO: I -- again, I -- the
6 combativeness ceased. I continued to gain control of his
7 legs until I made an assumption that there was no reason
8 for me to gain control of his legs anymore. And, again,
9 like I stated, I heard Sergeant Bergmann request for an
10 ambulance.

11 LIEUTENANT ENGELHARDT: All right.
12 Was it -- did he request an ambulance immediately after
13 he started -- stopped kicking, if you can recall?

14 OFFICER CAGNASSO: I was standing -- I
15 was standing next to Ron -- or Sergeant Bergmann when he
16 requested EMS. I -- I don't know the timeframe between
17 when I exited -- or released my grip from his legs until
18 when I stood up.

19 LIEUTENANT ENGELHARDT: Okay. And you
20 don't remember what he -- what specifically he said over
21 the radio?

22 OFFICER CAGNASSO: No, sir.

23 LIEUTENANT ENGELHARDT: Okay. Just --
24 you just remember him requesting --

25 OFFICER CAGNASSO: I recall him getting

1 on the air and requesting EMS to respond.

2 LIEUTENANT ENGELHARDT: Okay. And so
3 you made contact with him with your knees on his calves?

4 OFFICER CAGNASSO: Yes, sir.

5 LIEUTENANT ENGELHARDT: And with your
6 -- you placed your hands on his legs as well --

7 OFFICER CAGNASSO: Yes, sir.

8 LIEUTENANT ENGELHARDT: -- to try to
9 control them? All right. At any time did you strike Mr.
10 Gilbert?

11 OFFICER CAGNASSO: No, sir.

12 LIEUTENANT ENGELHARDT: At any time did
13 you observe any other officer strike Mr. Gilbert?

14 OFFICER CAGNASSO: No, sir.

15 LIEUTENANT ENGELHARDT: At any time did
16 you place Mr. Gilbert in a choke hold or in any way
17 obstruct his airway?

18 OFFICER CAGNASSO: No, sir.

19 LIEUTENANT ENGELHARDT: Did you observe
20 any other officers place Mr. Gilbert in a choke hold or
21 in any way obstruct his airway?

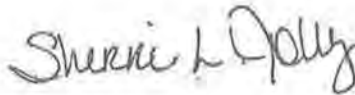
22 OFFICER CAGNASSO: No, sir.

23 LIEUTENANT ENGELHARDT: Okay. Is
24 there anything else?

25 MR. TOWEY: (No verbal response).

1 LIEUTENANT ENGELHARDT: Okay. It's
2 12:22.
3 (WHEREIN, the interview was concluded.)
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1 CERTIFICATE OF NOTARY PUBLIC
2 STATE OF MISSOURI
3 I, Sherri L. Jolley, within and for
4 the State of Missouri, do hereby certify that the tape
5 transcription in the witness whose testimony appears in
6 the foregoing transcript in the caption hereof and
7 thereafter transcribed by me; that said transcript is a
8 record of the testimony given by said witness; that I am
9 neither counsel for, related to, nor employed by any
10 parties to the action; and further that I am not a relative
11 or employee of any counsel or attorney employee of any
12 counsel or attorney employed by the parties hereto, nor
13 financially or otherwise interested in the outcome of the
14 action.

15
16
17 
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19 Sherri L. Jolley
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21
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RECORDED INTERVIEW OF
JOSEPH STUCKEY, SR.

DECEMBER 8, 2015

NATIONWIDE SCHEDULING

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1 ST. LOUIS METROPOLITAN POLICE DEPARTMENT
2 FORCE INVESTIGATION UNIT

3 IN RE:
4 COMPLAINT NUMBER: 15-062114
5

6 RECORDED INTERVIEW OF

7
8 JOSEPH STUCKEY, SR.
9

10 DECEMBER 8, 2015
11

12 11:44 P.M.
13

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19

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21 Sherri L. Jolley
22 Midwest Litigation Services
23 711 North Eleventh Street
24 St. Louis, Missouri 63101
25 (314) 644-2191

1 T R A N S C R I P T I O N

2 SERGEANT ENGELHARDT: I am Lieutenant
3 Roger Engelhardt, DSN 3786. We are in police
4 headquarters on the seventh floor, in the Force
5 Investigation Unit office. It is 11:44 on December 8th.
6 I'd like everybody else in the room to identify
7 themselves.

8 MR. TOWEY: Jim Towey, attorney.

9 OFFICER STUCKEY: Joe Stuckey, Sr., DSN
10 2685, District 3.

11 LIEUTENANT ENGELHARDT: Okay. Officer
12 Stuckey, we're here to talk about an incident which
13 occurred earlier this evening in the Central Patrol
14 hold-over. It involved a person by the name of Nicholas
15 Gilbert. Do you recall that event?

16 OFFICER STUCKEY: I do.

17 LIEUTENANT ENGELHARDT: Okay. And I'd
18 like you to, as best you can, start at the beginning and
19 tell me what you recall about that event. I won't
20 interrupt you. Nobody will interrupt you. When you're
21 done, I'll probably have some questions for you, and then
22 everyone else will be afforded some opportunity to ask
23 you some questions.

24 At any point if there's something that
25 you want to clarify -- if you said left and you meant

1 right; if you said up if you meant down -- go ahead and
2 make that clarification. Okay.

3 So with that in mind, go ahead and tell
4 me what you remember about this event.

5 OFFICER STUCKEY: All right. I was
6 originally sitting in the hold-over. I had just brought
7 a couple of prisoners in for some of the other officers
8 in the Third District. They were busy booking the
9 individual prisoners. And while I was there, the clerk
10 asked if I would do a prisoner run. I said, "Okay."

11 I took the property bucket. I believe
12 there was five prisoners to go down. I was going through
13 the paperwork to make sure it was all correct. And while
14 doing so, somebody -- I don't know who, but somebody
15 yelled, "Hey, he's hanging himself." So I turned around
16 and I looked through the glass -- clear glass window, and
17 I saw the victim had a article of clothing wrapped around
18 his neck, and it was secured to the top of the cell bar
19 doors.

20 With that, I jumped up. I ran around,
21 because I was on the inside of the clerk's desk. So I
22 ran through the door and I turned to the clerk and said,
23 "Hey, open the cell door so I can get in there to get this
24 guy." I went through the first door, and Sergeant
25 Bergmann and PO Degregorio were behind me -- I don't know

1 how far. So as I got in there and I started down towards
2 his cell, I saw the door open, and the victim started to
3 exit.

4 With that, I pulled my cuffs out, had
5 them loaded in the right hand, and I extended my left hand,
6 saying, "Get back. Get back into the cell. Calm down.
7 Relax." Then I got to the cell. He stepped back, and
8 when he did so, he was breathing heavily and looked at
9 me.

10 His fist clenched. He turned his body
11 to the right, at which time then I just grabbed his left
12 wrist and I took my right arm, pushed his elbow forward,
13 and I cuffed the left hand. And with that, I don't know
14 which side, but the other two officers were immediately
15 on there. Bergmann was able to grab his right arm. He
16 was pulling him back trying to get it to where I could
17 clasp the other handcuff.

18 With that, we all went down to our knees.
19 I was able to get the cuff onto his right arm, and then
20 I was pushing back to get up, at which time he did, I guess,
21 a mule kick and caught me in the groin. Sergeant Bergmann
22 was yelling if we had leg irons. I yelled back to one
23 of the officers to see if we've got leg irons there. He
24 left.

25 Sergeant Bergmann was saying, "Get some

1 help back here." We needed some more guys to hold this
2 guy down. So at that point I got up. I went to the
3 clerk's desk and I said, "Hey, hit the alarm. Hit the
4 alarm." We couldn't find the alarm, so I ran out. I went
5 down to the report room and I yelled in there, "Hey, we
6 need some help in the hold-over."

7 With that, I don't know, four or five
8 officers jumped up and ran into the hold-over. They all
9 went into the hold-over. And I don't know which ones --
10 a couple of them helped subdue the victim and hold him
11 down. There was so many people in there that I just
12 stayed in the hold-over by the clerk's desk until it was
13 over.

14 LIEUTENANT ENGELHARDT: It that it?

15 OFFICER STUCKEY: That's it.

16 LIEUTENANT ENGELHARDT: Okay. So
17 prior to somebody saying, "I think the guy is getting
18 ready to hang himself," had you -- had you noticed this
19 person at all? Was there anything that drew your
20 attention to him before that?

21 OFFICER STUCKEY: I saw him in there. I
22 just thought he was an OBS that you would get in there,
23 because he was rattling the bars and yelling things.
24 Nothing unusual for having prisoners in a cell.

25 LIEUTENANT ENGELHARDT: But he was -- he

1 was rattling the bars? That's usual? That --

2 OFFICER STUCKEY: If you have an OBS,
3 you know, a lot of times people get aggravated and just
4 start, you know, rattling the bars.

5 LIEUTENANT ENGELHARDT: Okay. So --
6 and you used the term OBS. Could you tell me what that
7 means to you?

8 OFFICER STUCKEY: Well, somebody that's
9 usually mentally challenged or just trying to act crazy.

10 LIEUTENANT ENGELHARDT: Okay. So when
11 you saw him shaking the -- does everybody in the hold-over
12 shake the bars?

13 OFFICER STUCKEY: A lot of them do.

14 LIEUTENANT ENGELHARDT: Okay. What do
15 you -- but you associated that behavior with what?

16 OFFICER STUCKEY: Someone that's
17 agitated and just aggravated because they're back there.

18 LIEUTENANT ENGELHARDT: Okay.

19 OFFICER STUCKEY: They want to go
20 downtown..

21 LIEUTENANT ENGELHARDT: But you used
22 the term OBS, and then you defined that by saying he had
23 a mental issue or something like that. So do you
24 associate -- do you associate his behavior with having
25 a mental illness?

1 OFFICER STUCKEY: Well, I didn't know.
2 That's just a term that we all use when somebody is just,
3 you know, acting out.

4 LIEUTENANT ENGELHARDT: Okay.

5 OFFICER STUCKEY: I couldn't tell you if
6 he was -- I -- I didn't have any contact with him before
7 that.

8 LIEUTENANT ENGELHARDT: Right. But
9 you had mentioned that -- you had mentioned that he was
10 an OBS, which you said is somebody who is mentally ill.
11 And you described him as -- he was shaking the bars. So
12 you associated with -- that behavior with mental illness?

13 OFFICER STUCKEY: Well, when he's
14 bobbing up and down, you know. I couldn't hear if he was
15 saying anything, but -- I wasn't paying that close
16 attention to him because I'm so used to people in the back
17 room doing that.

18 LIEUTENANT ENGELHARDT: Okay. All
19 right. So his -- so his behavior, was it -- was it unusual
20 or not?

21 OFFICER STUCKEY: He was just acting
22 like he was agitated.

23 LIEUTENANT ENGELHARDT: Okay.

24 OFFICER STUCKEY: I mean, I see it a lot.
25 You see a lot of them in there for different reasons. You

1 know, they don't want to be there, obviously, and they
2 want to go downtown.

3 LIEUTENANT ENGELHARDT: Okay. How
4 many other people were in the cells back there?

5 OFFICER STUCKEY: Well, I was there to
6 take I think four men and a female.

7 LIEUTENANT ENGELHARDT: Okay. Were
8 they also banging the cell bars and --

9 OFFICER STUCKEY: I wasn't paying that
10 close attention. They were further down the row.

11 LIEUTENANT ENGELHARDT: So everybody
12 was banging the cell bars?

13 OFFICER STUCKEY: It could've been
14 someone else, too, because I had my back to the -- to the
15 --

16 LIEUTENANT ENGELHARDT: Okay.

17 OFFICER STUCKEY: -- to the doors.

18 LIEUTENANT ENGELHARDT: So how did you
19 associate the cell bars banging with this person?

20 OFFICER STUCKEY: Well, because when it
21 was banging, we'd look over there and then he's playing
22 with his shoe and, you know, would rattle the bars and
23 --

24 LIEUTENANT ENGELHARDT: Okay.

25 OFFICER STUCKEY: I mean, I didn't hear

1 him say anything.

2 LIEUTENANT ENGELHARDT: And everybody
3 else could've been banging the cell bars too? And that
4 would be --

5 OFFICER STUCKEY: Could be. I couldn't
6 see anybody.

7 LIEUTENANT ENGELHARDT: All right. So
8 you don't know -- every -- so -- what I'm just trying to
9 understand is why your attention was drawn to this person.

10 OFFICER STUCKEY: When somebody yelled
11 that he was trying to hang himself.

12 LIEUTENANT ENGELHARDT: Okay. But
13 before that you said you saw him banging cell bars.

14 OFFICER STUCKEY: While I was doing my
15 --

16 LIEUTENANT ENGELHARDT: Right.

17 OFFICER STUCKEY: -- usual stuff.
18 There's a lot of people running around and --

19 LIEUTENANT ENGELHARDT: So is that what
20 drew -- did that draw your attention to him, banging the
21 cell bars?

22 OFFICER STUCKEY: Originally. Well, I
23 heard it going on. See, while I'm sitting there doing
24 it, I hear all this going on behind you. You know, and
25 you glance over and you see somebody rattling the bars.

1 And I'm looking at this guy and I'm like, you know, "Okay,
2 maybe he's an OBS," or whatever. It's not unusual.

3 LIEUTENANT ENGELHARDT: Okay.

4 OFFICER STUCKEY: Then I went back to
5 this. And then somebody yelled, "Hey, that's guy is
6 trying to hang himself."

7 LIEUTENANT ENGELHARDT: All right. So
8 he was banging the cell doors when you first looked over
9 and saw him?

10 OFFICER STUCKEY: Yes.

11 LIEUTENANT ENGELHARDT: All right.
12 And then sometime later somebody said, "He's trying to
13 hang himself"?

14 OFFICER STUCKEY: Right.

15 LIEUTENANT ENGELHARDT: All right.
16 And then when they said that, were you looking at him in
17 the cell at that time?

18 OFFICER STUCKEY: When they said that --
19 that's what drew my attention. I turned around and
20 looked, and then I saw him have a article of clothing
21 around his neck, and it was attached to the door.

22 LIEUTENANT ENGELHARDT: So when
23 somebody said he was trying to hang himself, did you
24 immediately associate that with that particular
25 prisoner?

1 OFFICER STUCKEY: Well, as I recall,
2 they're looking over my shoulder, so I immediately turned
3 around and looked. That's the only one I could see.

4 LIEUTENANT ENGELHARDT: Okay. So you
5 --

6 OFFICER STUCKEY: I just assumed that it
7 was the one behind me.

8 LIEUTENANT ENGELHARDT: Okay. So the
9 fact that you saw him banging on the cell bars prior to
10 that did that immediately make you associate when
11 somebody said he's trying to hang himself with that
12 particular prisoner?

13 OFFICER STUCKEY: Yes.

14 LIEUTENANT ENGELHARDT: Yes, it did?

15 OFFICER STUCKEY: Well, that's the only
16 one I could see back there, so I assumed it was him. So
17 when they said that, I turned around and that's when I
18 saw him.

19 LIEUTENANT ENGELHARDT: Okay. But
20 there were other prisoners back there?

21 OFFICER STUCKEY: Yes.

22 LIEUTENANT ENGELHARDT: All right.
23 And none of those -- your attention was never drawn to
24 any of them?

25 OFFICER STUCKEY: I couldn't see any of

1 them.

2 LIEUTENANT ENGELHARDT: Okay.

3 OFFICER STUCKEY: I don't know what they
4 were doing.

5 LIEUTENANT ENGELHARDT: All right. At
6 any point -- you see banging cell bars. But then anybody
7 else could be banging cell bars too?

8 OFFICER STUCKEY: It's possible.

9 LIEUTENANT ENGELHARDT: And it's
10 common?

11 OFFICER STUCKEY: Yes.

12 LIEUTENANT ENGELHARDT: Right? So
13 banging cell bars is not an unusual occurrence? It is
14 no reason for you to pay any particular attention to any
15 one prisoner?

16 OFFICER STUCKEY: Not at that time.

17 No.

18 LIEUTENANT ENGELHARDT: Okay. So if
19 you walk back in the cell room and somebody was banging
20 on cell bars, that wouldn't cause you any concern?

21 OFFICER STUCKEY: No, not at that point,
22 because it's a --

23 LIEUTENANT ENGELHARDT: Okay.

24 OFFICER STUCKEY: -- common thing with
25 them.

1 LIEUTENANT ENGELHARDT: Okay. All
2 right. And so, at any rate, somebody says, "He's trying
3 to hang himself"?

4 OFFICER STUCKEY: Right.

5 LIEUTENANT ENGELHARDT: All right.
6 And then it just happened to be the first cell you looked
7 when you saw him?

8 OFFICER STUCKEY: Well, when I turned
9 around, that's the only one I could see.

10 LIEUTENANT ENGELHARDT: Okay. And you
11 didn't immediately associate that with him for any reason
12 at all?

13 OFFICER STUCKEY: No.

14 LIEUTENANT ENGELHARDT: Okay. So then
15 you see him. And then what do you see him doing?

16 OFFICER STUCKEY: I seen an article of
17 clothing around his neck, and he's hanging kind of like,
18 you know, with his hands up on the bars. And you could
19 see it was wrapped around the bars --

20 LIEUTENANT ENGELHARDT: Okay. So
21 you're --

22 OFFICER STUCKEY: -- close to the top of
23 the door.

24 LIEUTENANT ENGELHARDT: You're holding
25 your hands up in front of you at --

1 OFFICER STUCKEY: It was higher than his
2 head.

3 LIEUTENANT ENGELHARDT: Higher than his
4 head. And the -- and the shirt was higher than his head,
5 as well?

6 OFFICER STUCKEY: That's correct.

7 LIEUTENANT ENGELHARDT: Okay. And
8 then what happened?

9 OFFICER STUCKEY: Well, it alarmed me,
10 so I jumped up and I ran around. And I said to the clerk
11 real quick, "Hey, open the door." You know, and she did.
12 And that's when I ran around, and I was just the first
13 one through the door. And, like I said, there was a
14 couple of officers that came in behind me. And then when
15 I got into the -- the separate cell area, that's when I
16 saw his door open.

17 LIEUTENANT ENGELHARDT: Okay.

18 OFFICER STUCKEY: And he started to step
19 out. He was free from the article of clothing at that
20 point.

21 LIEUTENANT ENGELHARDT: Okay. And so
22 he steps out into the hallway?

23 OFFICER STUCKEY: About a step or two,
24 and that's when I said, "Back up. Get back in there."

25 LIEUTENANT ENGELHARDT: And then what

1 happened?

2 OFFICER STUCKEY: Well, he stepped back
3 because I was approaching pretty quick. I had my cuffs
4 down in my right hand. When he stepped back, the -- I
5 made a left. He steps back. He starts to back up. He
6 brings his right leg behind him, and he's breathing heavy,
7 staring straight ahead. And I saw him clench his fist.
8 As soon as he did that, I thought he was going to start
9 hitting me, so I reached down and I grabbed him by the
10 left wrist, spun him around with my right hand on his
11 elbow.

12 And when he went forward, the other two
13 officers were behind me. I slapped a cuff onto his left
14 wrist. And Sergeant Bergmann and Degregorio were able
15 to get around both of my sides. And Sergeant Bergmann
16 grabbed his right arm, because he was struggling pretty
17 good. I remember we all went down to our knees. And then
18 I was able to clasp the cuff to his right arm. And he
19 continued to kick. And when I was backing up to try to
20 get up, he kicked me.

21 LIEUTENANT ENGELHARDT: So what
22 position was he in when he kicked you?

23 OFFICER STUCKEY: On his knees like
24 this, with his arms behind his back, facing this way, and
25 he was kicking and thrashing like this, both people side

1 to side.

2 LIEUTENANT ENGELHARDT: Okay. So when
3 you say "like this," he was on his knees, bent forward,
4 with his hands behind his back?

5 OFFICER STUCKEY: Right.

6 LIEUTENANT ENGELHARDT: And he was
7 moving his shoulders from side to side, like rotating
8 them?

9 OFFICER STUCKEY: Right.

10 LIEUTENANT ENGELHARDT: That's what you
11 just described?

12 OFFICER STUCKEY: Yes, sir.

13 LIEUTENANT ENGELHARDT: Okay. And in
14 doing all that, he's also kicking, right?

15 OFFICER STUCKEY: Oh, yeah. He's --

16 LIEUTENANT ENGELHARDT: And he, in
17 fact, struck you?

18 OFFICER STUCKEY: He was trying to get
19 up and kicking backwards like this.

20 LIEUTENANT ENGELHARDT: Okay.

21 OFFICER STUCKEY: And then he got me in
22 the groin area pretty good, knocked me back.

23 LIEUTENANT ENGELHARDT: All right.

24 And then what happened?

25 OFFICER STUCKEY: Well, Sergeant

1 Bergmann was asking, "Do we have leg irons?" And he's
2 yelling this, trying to hold him down. And I said, "I
3 don't know." So I yelled back to somebody, you know,
4 "Hey, somebody get some leg irons." I remember saying
5 that. Well, then we're struggling with him a little
6 more, and I'm still stepping back from getting kicked.
7 And at that point Sergeant Bergmann said, "Go get some
8 help." So I went back and I said, "Hey, hit the button.
9 Hit the button." Couldn't find it. So then I ran out
10 the doors and down the hall to the report room.

11 LIEUTENANT ENGELHARDT: Okay. And
12 then you said to the people in the report room you needed
13 some help?

14 OFFICER STUCKEY: Yeah. I said, "Hey,
15 guys, we need some help in the hold-over, now." So they
16 all jumped up and ran in there.

17 LIEUTENANT ENGELHARDT: Okay.

18 OFFICER STUCKEY: And then I walked in
19 back behind them.

20 LIEUTENANT ENGELHARDT: All right.
21 And so when you reentered the hold-over, what did you see
22 there?

23 OFFICER STUCKEY: I didn't go into the
24 back because it was already crowded. It's a small area.
25 I went behind the clerk's desk and stood there in the

1 proximity of the clerk.

2 LIEUTENANT ENGELHARDT: Okay.

3 OFFICER STUCKEY: There was already
4 four or five people in there. I couldn't do anything
5 else.

6 LIEUTENANT ENGELHARDT: And from that
7 point -- from that position, what did you observe?

8 OFFICER STUCKEY: All I saw was some
9 officers. He was then at the floor. I didn't see -- I
10 couldn't see over the -- enough to see him, but I saw some
11 of the officers -- like they were struggling to hold him
12 down.

13 LIEUTENANT ENGELHARDT: Okay. And
14 then what else?

15 OFFICER STUCKEY: And then after that
16 it's -- it calmed down. It stopped. I assume that the
17 guy calmed down, and then I sat back down in the chair,
18 pushing the papers back together. And then somebody came
19 out and said, "Hey, we need EMS." So then they call EMS.
20 But I never went back into the cell area.

21 LIEUTENANT ENGELHARDT: So the last
22 time you observed him is just through that window --

23 OFFICER STUCKEY: Right.

24 LIEUTENANT ENGELHARDT: -- and only
25 just part of him? And you didn't really observe what the

1 officer was doing, you just observed there was some kind
2 of --

3 OFFICER STUCKEY: All I could see was
4 backs.

5 LIEUTENANT ENGELHARDT: Okay. All
6 right. So when you went into the cell, this person was
7 struggling?

8 OFFICER STUCKEY: (No verbal response).

9 LIEUTENANT ENGELHARDT: Did it look
10 like he was having a medical emergency or did it look like
11 he was attacking?

12 OFFICER STUCKEY: I thought he was going
13 to attack me. He looked agitated. He was breathing
14 heavy like he was going to, you know, start swinging.

15 LIEUTENANT ENGELHARDT: Okay.

16 OFFICER STUCKEY: So I tried, "Calm
17 down. Calm down." And when he -- when I saw him clench
18 his fists, that's when I grabbed his left arm and tried
19 to turn him away from me. And when I did that, like I
20 said, the other two officers were right there and I was
21 able to get his arm in a cuff.

22 LIEUTENANT ENGELHARDT: Okay. At any
23 point did you -- did you strike Mr. Gilbert?

24 OFFICER STUCKEY: No.

25 LIEUTENANT ENGELHARDT: Okay. Do you

1 know of any injuries Mr. Gilbert sustained?

2 OFFICER STUCKEY: No.

3 LIEUTENANT ENGELHARDT: All right.

4 Did you see him sustain any injuries?

5 OFFICER STUCKEY: All I saw is -- like
6 I said, when we went down to our knees and I got that last
7 cuff and he kicked me, I backed out and got helped. I
8 couldn't see anything else.

9 LIEUTENANT ENGELHARDT: Okay. Did you
10 observe any other officers strike Mr. Gilbert?

11 OFFICER STUCKEY: I did not.

12 LIEUTENANT ENGELHARDT: All right.

13 Did you place Mr. Gilbert in a choke hold or in any way
14 obstruct his airway?

15 OFFICER STUCKEY: No.

16 LIEUTENANT ENGELHARDT: Did you observe
17 any other officers place Mr. Gilbert in a choke hold or
18 any other -- or in any other way obstruct his airway?

19 OFFICER STUCKEY: I did not.

20 LIEUTENANT ENGELHARDT: Okay. Do you
21 have anything?

22 MR. TOWEY: (No verbal response).

23 LIEUTENANT ENGELHARDT: All right. It
24 is twelve o'clock.

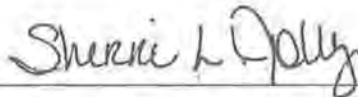
25 (WHEREIN, the interview was concluded.)

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CERTIFICATE OF NOTARY PUBLIC

STATE OF MISSOURI

I, Sherri L. Jolley, within and for
the State of Missouri, do hereby certify that the tape
transcription in the witness whose testimony appears in
the foregoing transcript in the caption hereof and
thereafter transcribed by me; that said transcript is a
record of the testimony given by said witness; that I am
neither counsel for, related to, nor employed by any
parties to the action; and further that I am not a relative
or employee of any counsel or attorney employee of any
counsel or attorney employed by the parties hereto, nor
financially or otherwise interested in the outcome of the
action.



Sherri L. Jolley

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